

# University of St Andrews



Full metadata for this thesis is available in  
St Andrews Research Repository  
at:

<http://research-repository.st-andrews.ac.uk/>

This thesis is protected by original copyright

**POLITICAL PHILOSOPHY IN AN UNLIMITED COMMUNITY:**

**A study based on Rousseau and Locke**

**T.W. Whipp**

**B. Phil. thesis,**  
1957



Declaration

in respect of the work entitled  
POLITICAL PHILOSOPHY IN AN UNLIMITED COMMUNITY  
being a thesis presented by  
THOMAS WILLIAM WHIPP  
to the University of St. Andrews  
in application for the degree of  
BACHELOR OF PHILOSOPHY

I hereby declare that this thesis has been composed by me, that the work of which it is a record has been done by me, and that it has not previously been presented in any application for a degree.

After graduation in the University of Oxford I was enrolled by the Senatus of the University of St. Andrews as a research student as from 1st October 1954, continued full-time research during the university year 1954 - 1955, and matriculated also in the year 1955 - 1956.

The work was supervised by J. Kemp Esq., Lecturer in Moral Philosophy in the University of St. Andrews, my gratitude to whom I wish to record.

25.9.1957

Certificate

I certify that Thomas William Whipp has spent the statutory period in membership of the University of St. Andrews upon research work in political philosophy, that he has fulfilled the conditions of Ordinances Nos. 50 and 61, and that he is qualified to submit the accompanying thesis for the degree of B.Phil.

(sgd.) J. Kemp  
Lecturer in Moral Philosophy,  
University of St. Andrews.

16/ix/57.



## CONTENTS

### INTRODUCTORY NOTE: TERMINOLOGY

	<u>Page</u>
1. BEFORE LOCKE AND ROUSSEAU	4
2. A 'COLLECTIVIST' THEORY: ROUSSEAU	14
His reasons for preferring a limited community "	
The general will: its nature	18
The general will: its realisation	24
The machinery of government	36
Rousseau and confederation	45
The general will of the world	51
Rousseau and the individual	54
3. AN 'INDIVIDUALIST' THEORY: LOCKE	69
Natural law instead of the general will	"
Locke and the individual	72
Locke and the unlimited community	79
4. SINCE LOCKE AND ROUSSEAU	84
Theorists of the Rousseau tradition	86
Theorists of the Locke tradition	111

	<u>Page</u>
5. THE REVISION OF TERMINOLOGY	121
Power, Right, Authority	"
Sovereignty	127
Natural law, Natural rights	135
6. THE UNLIMITED COMMUNITY	145
Forces making for unity	146
Methods of achieving this unity	150
Unity and Freedom	154
NOTES	158

## INTRODUCTORY NOTE: TERMINOLOGY

We shall discuss some political vocabulary later but the term 'limited community' had better be explained at once. It will be used here to refer to a community limited in point of size to something less than the whole of the human race. That is to say a community co-existing, at least potentially, with other politically distinct communities on earth.

Further clarification is needed. The word 'community' has been chosen chiefly for its negative merits in comparison with rival designations such as 'association', 'society', or 'state'. All these words have been shown to be open to innumerable definitions. Gilby in his study of Aquinas, Between Community and Society, would have pure community to signify a mere mass of humans, of 'cyphers', and pure society to mean "the spiritual association, the exemplar of all human relationships."<sup>1</sup> To designate the political body, which is said to oscillate between these two extremes, one imagines that he would welcome a fresh term. But choosing between the same two he uses 'political community', and it is, probably, the least misleading word for the purpose.

'Society', as Gilby's definitions assert and as the common contrasting of 'society' and 'the state' (e.g. by Barker) implies, has perhaps an even stronger non-political connotation than a political one.

The word 'state', also, has two important and distinct meanings, commonly confused. It denotes a certain body of people; it also denotes a power-structure springing from that body, which (in our view) may or may not constitute the whole of the power-structure by which the body is affected. For example New York State may, we consider, be described as a state in both senses. But some, holding that the word 'state' implies the possession of what they term complete sovereignty, would say that New York State was not really a state at all. The substitution for 'community' of the term 'state' in anything but its broadest, "New York" sense, would constrain the discussion; its use in that sense, on the other hand, would tend to prejudge an issue that is really bound up with a definition of 'sovereignty'.

What of 'association', which Mabbott recently put forward as the best general term?<sup>2</sup> It is preferable to 'society', but the term 'limited association' could be interpreted, more easily than 'limited community', to allude to some limitation of the degree of fellowship indulged in by citizens. And this, of course, is not the sort of limitation to which we refer.

'Community' is a vague term, but it holds no un-political bias like the word 'society' and no ambiguity so sharp as does 'state'. Probably a remark of MacIver's concerning it will form a definition enough for our purpose: "A community is more than any organisation, it is the matrix of organisation."<sup>3</sup> Our aim then in dealing with the contrasting theories of Rousseau and Locke will be to examine the connection between the kinds of organisation they tried to construct and the limited size of the moulds they elected to use.



# 1. BEFORE LOCKE AND ROUSSEAU

It may be useful briefly to recall the part played by the concept of a limited community in some political theories prior to those of Locke and Rousseau.

In the most representative theories of classical times the limited community idea was fundamental. The united polis, holding except in the case of Athens well under three hundred thousand people, is the ideal put forward alike by Pericles, by Plato (who in the Laws would limit the number of citizen families to five thousand and forty) and by Aristotle. When Aristotle says that "the polis is by physis" he means not merely that man fulfils his 'nature' in some sort of community, but that he fulfils it in a community of a special and clearly limited kind: the city-state. Yet in a sense this assumption of limitation is so implicit that it might be unfair to say that Plato and Aristotle rejected the alternatives. More probably the alternatives appeared unreal. The concept of a community less limited than the polis --- for example a nation-state --- was likely to appear as something known only to barbarians, and the concept of a community entirely unlimited as something merely whimsical.

The approach shown in the Politics sustains this view. Superficially Aristotle could hardly come down more strongly in favour of a small community. Not only does he demonstrate that the polis is natural in its growth (e.g., "it is the completion of associations existing by nature.... the end or consummation towards which those associations move"<sup>4</sup>) but he brings forward the even more powerful teleological argument, in favour of the polis' natural character --- his view of it as a whole prior to its parts, a final cause, a perfect form latent within all the matter which moves sua sponte towards it. Yet it is worth remembering that the polis is said to be a 'whole' because it allegedly brings about self-sufficiency; and although Aristotle apparently managed to overlook the practical difficulties then attached to this view --- for example the political and economic impact of one city upon another --- it is at least possible that in the conditions of the modern world his own teleological theory would have encouraged him to advocate an unlimited community, as the only self-sufficient whole now feasible. In any case the chief classical political theories, if relevant to the modern nation-state, are clearly likely to have relevance also for a still larger community.<sup>5</sup>

The polis was in one way becoming defunct even while Aristotle taught, for though his pupil Alexander may have projected the foundation of a chain of cities on the Greek

model, these towns would not be the independent city-states of the past. Some new philosophy was needed to meet the changed situation, first in Greece and later, especially in the imperial period, in Rome. Such a philosophy was not achieved by the Cynics and Epicureans, whose effect was essentially negative: politically these two schools represented merely a rather escapist reaction from city-state ideology. But the new theory was provided to a considerable extent by Alexander himself. Alexander lent the encouragement not only of his achievements but even more of his ideas. Basic to these ideas was the conception of homonoia, a union of his peoples in heart and mind. His vision fell short of the Stoic one<sup>6</sup> but from it, as expressed supremely in his prayer at Opis, Zeno and the Stoics took their inspiration.

Stoicism could be described as a negative philosophy, but Heraclitus' observation, "know that all is one and one is all", indicates its positive political implications. One such implication was the disregard of national frontiers. Another was the overlooking of barriers between classes of men (excepting that between 'wise men and fools'). Is Stoicism then bound up with the concept of a world state? Only indirectly. The notion of natural law, the Stoics' most important contribution to political theory, does not necessarily have as a corollary the idea



of a world political community: this fact can be seen in much later times. Indeed if the constitution of a world state is to consist in the law of nature, a law perfect and hence not to be confused with existing written laws, then the world state is being regarded, from the beginning, less as a political fact than as a half-ethereal unity which is unaffected in character by the political systems that prevail on earth. Cicero's famous reference to "one eternal and unchangeable law" which "will be valid for all nations and all times"<sup>7</sup> clearly places natural law in a position independent of national barriers and, consequently, one in which it is able to function despite them. These barriers shrink in importance but are not directly attacked, and in Cicero's view --- it may be deemed a fair if unoriginal statement of Stoic theory --- the citizen of the world owes an obedience to the laws of his particular state.

It is true that this obedience must always be conditional, and here is the only positive sense in which Stoicism, like most theories of the middle ages too, envisages an unlimited community.<sup>8</sup> It does not oppose the limited community; it merely applies to it restrictions which could be imposed equally well on a world-wide political structure, if this were not regarded as a final and complete expression of the moral order for which the ius naturale speaks. The Stoic citizen is a citizen of two states: a view foreshadowing

Augustine's. Augustine, like the later Stoics, sees before him the pleasing prospect of the Pax Romana being upheld by a world-wide empire. But the prospect is not central to his theory. Much more central is the question, "What does it matter to man, in this brief mortal life, under whose rule he lives...?"<sup>9</sup>

The conclusion we may draw from an examination of early natural law theories is that they are tied to no particular size of state: they are not moulded by being designed for any special sort of community. This continues to be true even when an admixture of Aristotelianism is introduced, as in Aquinas. In the thirteenth century the earthly state was acquiring greater respectability in the eyes of philosophers; perhaps, after all, the good life could only be lived through the agency of the political community. Aquinas to some extent fuses Aristotle and Augustine and, if he had kept his eye on the largest temporal city that was possible, we might have had a political theory seriously designed, under the limitation of course of natural law, for a real and organised world community. But western Europe was disintegrating into distinct nations, and St. Thomas left it to Dante to produce the idea of a universal monarchy. Perhaps his own leaning towards Aristotle had an effect in diverting him from any predilection for a world state, though certainly he was concerned with much larger states than the polis. The whole question was a

secondary one for him;<sup>10</sup> he considered that even the most ideal state would provide insufficient happiness, owing to the depth of human aspirations.

Dante, for his part, took the obvious enough step of carrying forward Aristotle's proof that the polis was a 'natural' growth out of the household and the village, by arguing that in the same way the universal empire was superior to the smaller state.<sup>11</sup> That his view was not more widely accepted may be ascribed partly to its apparent impracticability (e.g. the difficulty of effective control between distant lands, especially with the opening up of the 'new world' in the late fifteenth century) but as much to arguments of theory. The mediaeval principle of unity is not necessarily a centralising influence --- in Gierke's words, "Political thought when it is genuinely mediaeval starts from the whole, but ascribes an intrinsic value to every partial whole down to and including the individual."<sup>12</sup> A plurality, as Marsilio of Padua pointed out, can in this way constitute a unity; and for this reason Marsilio left open the question of the political unity of the world. So with other writers. John of Paris held the opinion that in the Church divine law demands unity, but that in the secular sphere the faithful should be content to live each within his own state.<sup>13</sup> And Ockham appears to have thought that sometimes unity and sometimes severance would be desirable, according to

circumstances.

In general, mediaeval thought, preoccupied with the difficulty of relating secular and ecclesiastical authority --- a difficulty which could be present in any community, large or small --- did not seriously attack the problem of the political community's size. So long as the concept of a world-wide church retained its force, however, that of a world-wide temporal power was likely to be heard of at any time when the papacy found itself in conflict with the various existing temporal powers: in fact, whenever the wisdom of the 'separation of powers' might be called into question and the possibility might arise that the problem could be more satisfactorily dealt with if the temporal powers were first united into one. It may be true to say, therefore, that the unlimited community was never far from the doorstep of political theory (however far it was from political practice) until the Reformation.

The development of national churches, in England and in some principalities of Germany, was only one of the factors helping to foster unified national states (trade developments, for example, called for effective central administration, and the reception of Roman civil law may have spread some idealisation of the smaller 'sovereign' community), but it was of the first importance in blotting out any vision of an unlimited earthly community. For the inspiration of such



a vision had been religious, as we have seen. It was no more central to the religious thought of the middle ages than it had been to that of the Stoics, but it was present as a concomitant of natural law theory, however unlikely might seem its realisation. When the supra-national character of the church was assaulted, this position changed. Even the theoretical arguments in favour of an unlimited community were simultaneously discounted. Figgis may have been too sweeping in the comment he once made that "In fact, the religion of the State superseded the religion of the Church"<sup>14</sup> --- or if not too sweeping, too vague. One may better say, perhaps, that the religion of the national church superseded that of the world church, and that the process was accompanied by an immense strengthening of the state. From this viewpoint Luther is seen as a more important figure than Machiavelli, whose supplanting of natural law by 'Reason of State' none the less puts the keystone on the arch of what is usually termed national sovereignty.

If anything lingered on of the ideal of a united Christendom, it was removed at Westphalia in 1648, 135 years after The Prince's publication. With the end of thirty years of religious wars the new European political order was accepted and the nation was now seen as the final human unity to be aimed at on earth. Bodin had formulated his theories of sovereignty almost three-quarters of a century earlier;

and despite his acceptance of natural law it is quite clear that he envisaged no enforceable law which could restrict the sovereign power of any given state.

It might not be an exaggeration to say that this acceptance of the nation as the standard political unit went almost unchallenged from the seventeenth century to the twentieth. At all events it held sway through Hooker (in the late sixteenth century) and Hobbes to Locke, and, equally, in the time of Rousseau.

It remains to verify, from the texts of Locke and Rousseau, that these two writers did in fact envisage a limited community for the practice of their theories. The task is simple, for in both cases it is at once clear that the authors had no unlimited community in mind.

Locke, it is true, finds a political society where 'any' number of men "are so united into one society as to quit every one his executive power of the law of nature",<sup>15</sup> and says that he uses the word commonwealth to refer to 'any' "independent community which the Latins signified by the word civitas."<sup>16</sup> But references to "the defence of the commonwealth from foreign injury"<sup>17</sup> and to the employment of the force of the community "abroad, to prevent or redress foreign injuries and secure the community from inroads and invasion" leave no doubt that Locke envisaged a community co-

existing with others.

Still less is there any doubt in the case of Rousseau, whose discussion of the best size for a state is alone enough (since he hints at no scheme for massacring that part of the world's population which is deemed surplus to his 'best state') to prove that his theories are designed, as we should expect, for a limited community co-existing with others. "As nature has set bounds to the stature of a well-made man, and, outside those limits, makes nothing but giants or dwarfs, similarly, for the constitution of a State to be at its best, it is possible to fix limits that will make it neither too large for good government, nor too small for self-maintenance."<sup>18</sup> Again, "there is not a single unique and absolute form of government, but as many governments differing in nature as there are states differing in size."<sup>19</sup>

Quite evidently neither writer set out to apply his ideas to an unlimited community. Whether the ideas would be so applicable is of course to be discussed. We shall take Rousseau first, dealing especially with the famous Contrat Social, complex and germinal, of 1762.

## 2. A 'COLLECTIVIST' THEORY: ROUSSEAU

### Rousseau's reasons for preferring a limited community.

The structure of the Contrat Social gives a reader the impression that Rousseau, before working out his main political theories, satisfied himself as to the type and size of state with which he had better deal. For the arguments he puts forward concerning the best size of a state are not based on those concepts, such as that of the general will, which form the most important part of his book. The connection between these major ideas and the matter of the state's size is in fact one which he hardly troubles to discuss. But indirectly his arguments as to the state's size are of interest, if only for the light they throw on the picture that the word 'state' naturally created in his mind. It is a picture remote from that presented by the great industrial states of the twentieth, or for that matter of the later nineteenth, century.

Rousseau shows little anxiety to avoid a state that is too small. He declares that a state must not be "too



small for self-maintenance"<sup>20</sup> but this is not amplified. In the same chapter we find the suggestion that "the reason for expansion, being merely external and relative, ought to be subordinate to the reasons for contraction, which are internal and absolute." This reference to the 'merely external' reasons for expansion is to a state's need to protect itself against its neighbours; "for all peoples have a kind of centrifugal force that makes them continually act one against another.... Thus the weak run the risk of being soon swallowed up."<sup>21</sup> The need for any other sort of 'self-maintenance' seems already almost forgotten, and one can only try to guess what Rousseau meant by it. That the land should be able to provide all the people's necessities, and that the people should be numerous enough to work the land? This point Rousseau deals with separately,<sup>22</sup> recognising that the size of a political body can be measured by the extent of its territory as well as by the number of its citizens. The relation between the two is seen to be one for local adjustment. Rousseau probably took the reasonable view that a rough decision might first be taken as to the right number of a state's inhabitants, and that this decision might be varied to a limited degree in particular instances.

The need for self-protection against neighbours is potentially an important argument not only against the tiny

community, but also against any but a very large one. If "it is almost impossible for any one (state) to preserve itself except by putting itself in a condition of equilibrium with all",<sup>23</sup> then the size of a state ought perhaps to be determined by the size of the largest neighbouring state beside which it wishes peacefully to exist. But Rousseau certainly did not hold this opinion. He recognised an alliance as an alternative to full self-protection. A people fit for legislation will be one which (among other qualifications) "without entering into its neighbours' quarrels, can resist each of them single-handed, or get the help of one to repel another."<sup>24</sup> The last clause would presumably have been <sup>much</sup> ~~made~~ elaborated if Rousseau had written the treatise on the external relations of a state to which he alludes in the conclusion of the Contrat Social.

Rousseau puts forward, then, no very convincing plea for the establishment of a minimum size for the state. The arguments he does use are much more like reluctant admissions that a tiny state may find it impossible to survive. Nothing is said to suggest that a very small state, if its physical survival were possible, would have any incentive to enlarge its boundaries. It is already fairly clear to us with what size of state the author's sympathies lie.

Against a state swollen in magnitude, on the other hand, Rousseau brings the contention that it loses strength. Strength

of what sort? Cohesion, it seems, and stability. "Every extension of the social tie means its relaxation."<sup>25</sup> This interpretation of 'strength' may be set with a statement in the Dedication to Rousseau's Discourse on the Origin of Inequality: "If I had had to choose the place of my birth, I should have preferred a society which had an extent proportionate to the limits of the human faculties; that is, to the possibility of being well governed."<sup>26</sup> In the Contrat Social, again, Rousseau avers that "A thousand arguments could be advanced in favour of this principle" --- i.e., the principle that the larger the state, the weaker it will be. Of these thousand arguments he notes, admittedly, only a few. In the first place, he considers, long distances make administration more difficult. They also make for a superimposition of authorities, and this increases administrative costs. Furthermore there is less cohesion, less feeling of unity. (Here we are nearest to Rousseau's essential views.) The people hardly see their rulers, and so have less affection for them. Different laws lead to trouble and confusion among the peoples.

It is evident that these points have a tendency to be merely technical. Their truth will vary in different times and circumstances. (New influences leap to mind, such as the effect of aeroplanes in improving administration at a

distance, and of television in strengthening a people's contact with its rulers). And however carefully one assessed their modern importance, one would have made little progress in evaluating the present-day relevance of the quintessential Rousseau. He is here putting forward views which are more or less haphazard, vividly though they show the trend of his thought upon the right size of a state. He has prepared us for what is perhaps the most sweeping of all his definitions of a people 'fit for legislation': "one in which every member may be known by every other."<sup>27</sup> This is the scene which Rousseau sets for his theories.

#### The General Will: its nature.

At the centre of Rousseau's political philosophy is the problem of the so-called general will. The discovery of this Will, a vastly influential contribution to political theory, can be credited or debited to Rousseau's name without cavil. Previous writers (for example of the school of natural law), however much Rousseau may have derived from them, did not use the same terminology; and of contemporaries only one seems to have had any share in the coining of the term: Diderot, in an Encyclopaedia article of 1755. Writings



subsequent to the Contrat Social which treat of a general will may reasonably be regarded as interpretations, developments or perversions of Rousseau's theory.

One line of separation appears in the pile of confusion which landmarks the general will concept amid the political thought of two hundred years. It is that between the question whether the will exists, and the question how, if at all, the will is to be expressed. The division between these two points seems to have been sharper in the mind of Rousseau himself than in the minds of some subsequent critics. Some of them have tended to dismiss as a barren metaphysical issue the former problem if they could not first find a satisfactory answer to the latter one. In actual fact the possibility of expressing the will, of applying it to practical affairs, must clearly depend above all on the nature of the will itself. Before we can set the concept to earning its maintenance in political theory, we must see what claims are made for it, what manner of phenomenon it is. By this means we may also hope to find whether we are really dealing with the brain-child of some alien muse, which has jumped into the field of politics across a boundary from theology or even from poetry, and which might suitably be returned there.

We can discover very little about Rousseau's conception

of the general will from his suggestions for its expression. In practice it comes near to being identified with the decisions of the majority in a primary assembly, but this is a dangerous generalisation. Even a unanimous decision would not necessarily express Rousseau's general will, as we shall mention later in discussing the will's implementation. To discover its nature, then, we are driven back on its expositor's definitions.

Let us take this one as the key: "Each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen."<sup>28</sup> This statement can only mean that no person is to be relied upon as being an embodiment of the general will freed from entanglement with any private will. Indeed no single trustworthy mouthpiece of the will is at all likely to be found, except for limited periods, among the people. "In reality, if it is not impossible for a particular will to agree on some point with the general will, it is at least impossible for the agreement to be lasting and constant; for the particular will tends, by its very nature, to partiality, while the general will tends to equality. It is even more impossible to have any guarantee of this agreement; for even if it should always exist, it would be the effect not of art, but of chance."<sup>29</sup>

On the other hand it is clear that in Rousseau's view no one, so long as he remains a participant in the 'original contract', ceases to share in the general will. Even a man who "detaches his interest from the common interest" is only putting his own particular good in front of his share in the general good. "Apart from this particular good, he wills the general good in his own interest, as strongly as anyone else."<sup>30</sup> So just as no member of the political community is to be relied upon as devoid of a particular will, no member is to be thought of as devoid of the general will. This qualifies considerably an opinion such as that of McDougall, who says Rousseau "seems to mean that a certain number of men will the general good, while many will only their private goods...."<sup>31</sup> All persons within the social bond are likely to possess, and to manifest in different proportions at different times, both sorts of will.

The social bond itself, within which the general will is manifested, comes into being with the making of the social compact. If the compact itself did not prove to be of a rather theoretical nature, this creation would seem more arbitrary than it does. "The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly

lacked."<sup>32</sup> The state having been instituted, residence within it is the normal token of allegiance to the contract.<sup>33</sup> This is satisfactory enough. But how, if ever, does the contract become broken so that the general will ceases to exist? Rousseau speaks of a time "when the state, on the eve of ruin, maintains only a vain, illusory, and formal existence, when in every heart the social bond is broken,"<sup>34</sup> but this breaking of the social bond 'in the heart' does not apparently exterminate the general will; it merely renders it mute. An individual however may place himself outside the sphere of the will, if he is the sort of malefactor who "by attacking social rights, becomes on forfeit a rebel and a traitor to his country; by violating its laws he ceases to be a member of it; he even makes war upon it."<sup>35</sup>

So much for the location of the will and the conditions under which it exists. Now its character is fairly obvious: it aims at the general good. It has therefore much in common with any other concept of an ideal, supra-personal will, say with a divine will or a 'best self'. Yet for these terms it is not a synonym, because as defined by Rousseau it has particular limitations. Anyone who finds it possible to accept the existence of some ideal will is likely to find the general will concept plausible in essence; but by



coining his own term~~h~~ Rousseau has provided himself with the opportunity to make ex cathedra statements about this will and about the conditions under which it is able to operate. We have seen that these conditions can be quite arbitrary: the general will may begin to exist at a precise moment (when the social compact is made) and may end equally mechanically (in anyone who violates laws which have been made under this contract). Such a will is very much under control. Whatever the size of community involved, the general will is tied to a single state in a way in which the divine will, at least in Christian terms, clearly is not.

It lends itself consequently to a notion of the state as a 'person'. We shall not embark here upon an exploration of 'will' as such, but the existence of a will does seem to predicate some volition, distinguishable from mere impulse. There exists an intention; and it is argued by Mayo, for example, that with an individual person this existence of intention is the proof of psychological (rather than merely physical) unity. A comparison can be made with the body that possesses the general will. "In fact," Mayo suggests, "as in the case of the individual, there is reason for claiming that the general will 'is' the unity of the state."<sup>36</sup> In other words a will may be said to produce a person. If the will

is an ideal one then it seems fair to say that this person is, at least within his sphere, a divinity. Rousseau's general will is an ideal one (although that he regarded it as "always right" has been denied<sup>37</sup>) and if means can be found for it to express itself then the state will be speaking, in its given sphere, with the voice of a god.

#### The General Will: its realisation.

Rousseau's political theory is based on the assumption that his general will can be actualised, can be made a tangible directing force in the state. If the people could call on the services of Delphi, infallibly to express for them this ideal common will, the chief ambiguities of Rousseau's theory would certainly be removed. It would be evident to all whether the will had on any issue been expressed, and whether it was being followed. But this happy position does not obtain and Rousseau's proposals are of questionable practicality as they stand and might seem more so in the unlimited community.

The general will is held to be the sovereign, the wielder by right of supreme power. The qualification, 'by right', is important. Of any ordinary state of his own

time Rousseau would probably have said that for practical purposes it had no sovereign at all; more precisely, that the only true sovereign was not then exercising his, or its, function. He would have said this on the ground that the existing supreme powers were not representing the general will. Sovereignty resides in the will; an act of sovereignty is an act of the will. The functions of the will and of the sovereign are similarly defined. Just as it is fundamental that the general will "must be general in its object as well as its essence... it must both come from all and apply to all",<sup>38</sup> so an act of sovereignty is a convention between the body politic and each of its members, and "can have no other object than the general good." Sovereignty is produced by the contract. "The social compact gives the body politic absolute power over all its members... it is this power which, under the direction of the general will, bears the name of sovereignty."<sup>39</sup> And "the power indeed may be transmitted, but not the will."<sup>40</sup> Sovereignty, then, combines de facto power with right, but without the former it is merely dormant, whereas without the latter it does not exist.

In speaking of positive law, Rousseau repeats his main definition of the general will and of sovereignty. The law "unites universality of will with universality of object."<sup>41</sup>

In a footnote he specifically says that by a republic he understands generally any government directed by the general will, "which is the law." In the Discourse on Political Economy, the will is "the source" of the laws. (In another part of the same essay, it is their "source and supplement."<sup>42</sup>) A law, then, is an act of the sovereign, a "public act of the general will."<sup>43</sup>

It is clear that these definitions simply provide us with new names to apply to the will whenever it exercises itself, and to its positive pronouncements. The will must wield the supreme existing power. We have still to find how the trick is to be done.

By his definitions of the general will's scope, Rousseau limits the task he sets himself. Apart from any limitations that we may (doubtfully) suppose to be imposed on the will by natural law, the separation of its functions from those of the legislative is itself a limitation. Just as the executive is concerned only with particulars, so the sovereign "does not and cannot exceed the limits of general conventions"; it "recognises only the body of the nation, and draws no distinction between those of whom it is made up."<sup>44</sup> Also, the sovereign "cannot impose upon its subjects any fetters that are useless to the community, nor can it even wish to do so."<sup>45</sup> On this account it cannot,



for example, control religious creeds, except in as much as they directly affect people's conduct. "As the Sovereign has no authority in the other world, whatever the lot of its subjects may be in the life to come, that is not its business, provided they are good citizens in this life."<sup>46</sup>

Within these frontiers, how does Rousseau's general will operate? It finds expression in a majority vote. Of this there is no doubt. An equation of the general will with a majority vote is not, however, to be laid at his door. Such an equation would mean a statement that majority opinion always and necessarily states the general will.

"There is but one law," Rousseau lays down, "which, from its nature, needs unanimous consent. This is the social compact..." And, "Apart from this primitive contract, the vote of the majority always binds all the rest."<sup>47</sup> This last statement calls for comment. It does not mean that a majority vote always expresses the will, for Rousseau is 'presupposing', as he says a little later in the same chapter, that the qualities of the will still reside in the majority when the vote is taken. "When they cease to do so, whatever side a man may take, liberty is no longer possible" --- i.e., presumably, the original contract is dissolved. So either the general will is expressed by the

majority or it is not to be put into force at all. And the fact that a majority vote is clear, even when it is dealing with matters perfectly proper to the general will, is not proof that the will is really being expressed. In the fourth book of the Contrat Social is a reference to the possibility that even unanimity may simply be the reflection of servitude.

We are left with the almost ludicrous position that even when all Rousseau's rules are observed, a citizen is faced with a majority vote which may perfectly well represent the general will --- in which case he must obey it, so realising his own true freedom --- or which may perfectly well not do so, in which case the/citizen may apparently do what he likes, for all Jean-Jacques cares, because the social compact has been broken and neither freedom nor obligation are now effective for him. The citizen is given no means of discriminating between the two cases. On the one hand, the ideal state may be manifesting itself; on the other, the state may in all worthwhile senses have ceased to exist. This is the crucial fallacy of the Contrat Social. It is astonishing that some commentators have skated round it.<sup>48</sup>

It is a flaw that must never be ignored. In discussing the rest of Rousseau's political views we are always 'pre-

supposing', after his own manner, that if all his recommendations are followed and a majority vote taken, it will express the general will --- or that it will, at least, be accepted as doing so. Rousseau would have avoided much of this trouble, and might not have reduced the practical value of his arguments, if he had allowed the social compact to be the direct and explicit foundation of the acceptance of a majority vote as the voice of the general will. That he did not do so is probably a measure of his consciousness that these two, will and majority vote, may diverge. In the event of such a divergence the contract as he has defined it is broken. His approach strongly suggests that he prefers the dissolution of the compact to any acquiescence in mass tyranny, even though he cannot tell us how to determine when such a tyranny has appeared.

The majority vote then is fallible, but is the best guide available. Such reliability as it does possess is conditional on the observance of certain rules. Already we have glanced at those which limit the sovereign's sphere of authority, but there are also some recommendations by Rousseau as to the sovereign's manner of working, its means of expressing itself.

One of these concerns the figure of the legislator. Rousseau's legislator really belongs only to a state's early

phase, when he helps the public to see the good which it desires. If his function is thought of as that of helping to ensure that the majority vote represents the general will, he is not entirely out of place. And this is how Rousseau sees him. Rousseau is driven to recognise that the mere making of the social contract will not immediately produce an ability in the populace always to supplant the 'will of all' (better termed, perhaps, the wills of all) by the general will. In the early stages the people must have guidance. It is clearly stated that the legislator can never by himself make his proposals law. "There can be no assurance that a particular will is in conformity with the general will, until it has been put to the free vote of the people."<sup>49</sup> This having been said, we need not worry much over the legislator.

Another proviso is that pressure groups must not be active, if the general will is to be accurately expressed. If a citizen sees that such groups are in fact at work, he may be reasonably sure (one supposes) that the general will is not being voiced. But it would be quite wrong to suppose that the absence of pressure groups is itself enough to make the will's expression secure; here again, the guidance is merely negative.



The most important of Rousseau's recommendations concerns the ascertaining of majority opinion. "The Sovereign cannot act save when the people is assembled." Then: "The people in assembly, I shall be told, is a mere chimera. It is so today...."<sup>50</sup> But in calling it a chimera Rousseau does not deem such an assembly unthinkable; merely unthought of. For he insists on a primary assembly where it is at all practicable. "It is useless to bring up abuses that belong to great States against one who desires to see only small ones."<sup>51</sup> His one concession to "the union of several towns in a single city" is that the seat of government may be allowed, in such a case, to shift from town to town. The concession is a considerable one, because at any given assembly the bulk of the nation is then, in fact, being represented; whereas Rousseau lays down elsewhere that "Sovereignty, for the same reason as makes it inalienable, cannot be represented; it lies essentially in the general will...."<sup>52</sup> --- and the will, as we have seen, may be known to individuals but is to be put into action only by majorities.

Of all points of Rousseau's political theory this one has the plainest practical significance. In a large modern state its importance grows, since an assembly of the whole people is out of the question; in an unlimited community it would be a more fundamental point still. Rousseau

certainly prefers that majority opinion, which proclaims the general will, should be proclaimed by a primary assembly. But how far does the impossibility of this in a large state invalidate his theories, and if he himself does not think it invalidates them, by what alternative means does he allow the sovereign to govern?

A loophole is offered at first sight by the suggestion of dictatorship. But Rousseau in no way envisages that his dictator shall represent the sovereign. "He can do anything, except make laws." The sovereign authority is only suspended, and "However this important trust be conferred, it is important that its duration should be fixed at a very brief period, incapable of being ever prolonged."<sup>53</sup>

A more attractive way of escape from primary assemblies seems to be offered by this surprising passage in the Discourse on Political Economy. "But how, I shall be asked, can the general will be known in cases in which it has not expressed itself? Must the whole nation be assembled together at every unforeseen event? Certainly not." (!) "It ought the less to be assembled, because it is by no means certain that its decision would be the expression of the general will; besides, the method would be impracticable in a great people, and is hardly ever necessary where the government is well-intentioned: for the rulers well know

that the general will is always on the side which is most favourable to the public interest, that is to say, most equitable; so that it is needful only to act justly, to be certain of following the general will."<sup>54</sup> Here, on the face of it, is a firm contradiction of one of the most important recommendations of the Contrat Social. It is possible to dismiss it on the ground of its context; Rousseau is speaking of "an infinity of details of administration and economy." He does not say that radical changes in the law can be made by rulers in this way. No doubt he envisages a state where few such changes will be needed. Still, the comment that frequent assembly of the populace would be "impracticable in a great people" does cause one to wonder how important must be the business in hand before it is the duty of the rulers to seek the public's own view as to its interests, regardless of the difficulties of assembly.

Rousseau's most explicit treatment of the problem comes in his Considerations on the Government of Poland (1772). Here he is forced to come to grips with it, since he is of course dealing with a specific country, and not with an ideal state. One important point in his advice to the Poles concerns federation: he recommends that power should be divided as much as possible among the thirty-three

palatinates. But this does not satisfy him; it cannot satisfy him, since Poland wishes to be essentially one nation, not thirty-three. He therefore plainly advocates the representation of the sovereign, the very possibility of which is, in the Contrat Social, denied. "One of the greatest disadvantages of large states, the one which above all makes liberty most difficult to preserve in them, is that the legislative power cannot manifest itself directly, and can act only by delegation. This has its good and its evil side; but the evil outweighs the good. A legislature made up of the whole citizen body is impossible to corrupt, but easy to deceive. Representatives of the people are hard to deceive, but easy to corrupt; and it rarely happens that they are not so corrupted."<sup>55</sup> Rousseau follows up with two means of preventing this "terrible evil of corruption." The first is that the Diets should meet often, the representatives changing frequently also. The second is that representatives should be required to follow their instructions precisely, and to give to their constituents a strict account of their conduct in the Diet.

Here beyond doubt is a considerable emendation of the principles of the Contrat Social, lending point to Rousseau's own remark that the latter book should be re-written. As Vaughan says, "A new Contrat Social, a Contrat Social revised



in the light of the Gouvernement de Pologne, would have been one of the most curious and instructive books on record."<sup>56</sup> Lacking such an amalgamation, how far is it useful to attempt to piece together Rousseau's later arguments with the older and more idealistic ones? In the Government of Poland the ideal state, wherever it seems impracticable, is cast aside; Rousseau accepts the position that in Poland the sovereign cannot express itself directly and must therefore express itself at secondhand. There is nothing here of the rather abstract argument of the Contrat Social that "the Sovereign, who is no less than a collective being, cannot be represented except by himself."<sup>57</sup>

The Government of Poland, shows, at least, that Rousseau believed his general will theory to be adaptable to a state much larger than his ideal one. It is doubtful whether the adaptation is consistent with the original proposals. But at least it is Rousseau's own, and in the face of it we cannot easily say that the general will concept is applicable only to city-states; nor complain that we lack suggestions, from the master himself, to help us towards the application of the general will theory to the largest state of all.



The machinery of government.

The position to which Rousseau assigns the government in his ideal state is clear. It is "an intermediate body set up between the subjects and the sovereign";<sup>58</sup> it bears the name 'prince', or 'magistrate'; its members are 'magistrates', 'kings', 'governors'. Of its powers: "It is simply and solely a commission, an employment, in which the rulers, mere officials of the sovereign, exercise in their own name the power of which it makes them depositaries." The sovereign "can limit, modify, or recover at pleasure" this power.<sup>59</sup> The setting-up of the government thus implies no contract between it and the sovereign.

Rousseau comments that "There has been at all times much dispute concerning the best form of government, without consideration of the fact that each is in some cases the best, and in others the worst."<sup>60</sup> This is rather reminiscent of Pope:

'For forms of government let fools contest ---  
Whate'er is best administered, is best',

but of course government, whatever form it takes, must be strictly subordinated in Rousseau's view to the sovereign. All forms of government, he reminds us, do not suit all countries. The size, wealth, population and climate of a

state are all important factors to be considered. "The question 'What absolutely is the best government?' is unanswerable as well as indeterminate; or rather, there are as many good answers as there are possible combinations in the absolute and relative situations of all nations."<sup>61</sup> How then decide the best form of government in a given case?

Rousseau sees quite a simple practical test. "The rest being equal, the government under which, without external aids, without naturalisation or colonies, the citizens increase and multiply most is without question the best. The government under which a people wanes and diminishes is the worst."<sup>62</sup> Rousseau is offering here a test of whether a country is being well governed. It is not intended to be an aid to the setting up of a good government in the first place. It is a standard of success or failure for use in a system of trial and error. The Geneva censorship made a criticism of the Contrat Social here that would remain relevant in a community of any sort or size: "... The laws that constitute any government seem to him to be always revocable, and he does not see any reciprocal obligation between those who govern and those who are governed; the former seem to him only instruments that the people can always change or crush at will.... He considers all forms of government to be only provisional, experiments

that can always be changed...."<sup>63</sup>

'Experiments that can always be changed.' But Rousseau does give a good deal of advice on the suitability of different governments for different states. Let us lay before him, in this regard, the problem of the unlimited community. He will sink back in horror, for here is the most monstrous civil society that men can devise --- "if we wish to make such a union, we should not expect to avoid its natural disadvantages."<sup>64</sup> But some indirect recommendations as to its best form of executive may be gleaned.

Democracy seems the least suitable system. On Rousseau's interpretation it involves the frequent assembly of the whole people to debate the state's affairs. If the world's population remains of a size even remotely comparable to its size at the moment, we may be bold enough to rule such a scheme out. Even radio and other aids hardly make practicable an organised discussion between all the peoples of the world. Rousseau himself acknowledges that the chief requirement for democracy is "a very small state, where the people can readily be got together and where each citizen can with ease know all the rest."<sup>65</sup> This last condition, indeed, threatens to become at least metaphorically feasible --- if we accept the principle that a man who is familiar with

a pea is familiar with the contents of all the world's pods --- but the constant meeting of the people is impossible. Disappointment would be misplaced, if it is true that of all governments a democracy in this sense is the most subject to civil wars and the most likely to develop into another form. "So perfect a government is not for men"; furthermore, "there never has been a real democracy, and there never will be"<sup>66</sup> --- because of the practical difficulties.

Unfortunately, however, Rousseau finds it necessary that the people should in any case turn itself into a democracy for at least a few moments in order to nominate the members of another form of government. Acting as the sovereign it cannot nominate governors, since this would be a 'particular' act; hence it must decide on the type of government it wants and then temporarily become the government itself for the purpose of elections. Here is a fresh difficulty for the unlimited community. Not only have all the people to assemble (1) as primitive individuals in order to make a contract and become sovereign, and (2) as the sovereign in order to decide on a form of government; they have also to assemble (3) at least once as the government. The first of these meetings may be treated, if we will, as a fiction. The second is concerned with the expression of the

general will, and the difficulties inherent in this we have already seen. If it is accepted that the general will may in some way or other be expressed in a large community --- for example by representation, or by mass meetings in different cities in succession, these cities being perhaps selected by lot --- then the same means may be useful also in relation to the third problem, the people's single meeting as a democracy. If the one problem is met, so may the other be (though one does not imagine that the resulting substitute for democracy would be accepted by Rousseau as a permanent form of government). Possibly, again, a paper vote might be used instead of this single meeting. Otherwise, whatever form of government is chosen, the nomination of its members presents in a large community a serious obstacle, additional to that of achieving any meeting of the sovereign.

The choice of government for the unlimited community seems to lie between aristocracy and monarchy. From many of Rousseau's remarks we might take monarchy to be almost certainly his best government for a very large state. He contends, fairly enough, that a government with few members is likely to be prompter and more forceful than one with many members. This is an assertion that will stand without its supporting arguments, though these are interesting. Rousseau bases them on a comparison of the strength of different



combinations of the general will, the individual will, and the 'corporate' will, the latter being the will of members of the government, which is itself a 'moral person'. The general will is always the weakest of all; the individual will is the strongest. In a monarchy the individual and corporate wills, the two strongest, are united. The government is therefore strong, though it embodies the general will only slightly and its rectitude may consequently be slight also. Separately, Rousseau implies that a larger government expends more force on its own members.<sup>67</sup> Perhaps this is another way of making the same point. Rousseau also contends that in a large community a strong government is particularly needed. His theory here is that the particular wills come to have less relation to the general will; morals and manners are less likely to conform automatically with the trend of the laws. This seems debatable. Rousseau says he is "well aware that moral quantities do not allow of geometrical accuracy",<sup>68</sup> but is he? The question how many of a state's citizens individually follow the general will might be determined less by the state's size than by, say, its pitch of civilisation. However, Rousseau's two principles --- that a big community needs a strong government, and that a small government is the most likely to be strong --- seems plausible. From them, "it follows that the relation of the magistrates to the government should vary

inversely to the relation of the subjects to the sovereign; that is to say, the larger the state, the more should the government be tightened, so that the number of the rulers diminishes in proportion to the increase in that of the people".<sup>69</sup> So, though remembering "the innumerable circumstances which may furnish exceptions", we can so far conclude that in Rousseau's view the best government for a great state is a monarchy.

Yet while "monarchy is suitable only for great states",<sup>70</sup> Rousseau remains uncertain that it is suitable for any state at all. For "if it is hard for a great state to be well governed, it is much harder for it to be so by a single man."<sup>71</sup> If the king were all that he might be, Rousseau would have no objections. The force of monarchy would then be fully inspired by the general will. But he regards it as "wanton self-deception to confuse royal government with government by a good king." The king-by-nature, if we accept Plato's word, is a rarity, and royal education is in Rousseau's view likely to corrupt those who receive it. Other defects of royal government include a tendency on the part of kings primarily to desire a weak people, so as to preserve their authority. (Rousseau is perhaps slipping away from his ideal state here; after all, on his view, the people as sovereign have conferred on the king his authority and may at any time

withdraw it.) Kings are liable to appoint intriguers, rather than able men, to fill subordinate executive posts. There is a want of continuous succession --- or if there isn't, then "apparent tranquillity has been preferred to wise administration" by the adoption of an hereditary system. Rousseau further brings against monarchy the charge of a probable reversal of policy each time the identity of the king changes, and also says that ideally a kingdom ought, on every such occasion, to expand or contract: so as to be suited to the new ruler's capabilities. This, at least, would not be feasible in the unlimited community! But it would be difficult in any case. The precise extent of the new ruler's capabilities might be far from obvious.

Of Rousseau's three sorts of aristocracy we can dismiss the 'natural' kind, which is "only for simple peoples", and presumably the hereditary kind, which he calls "the worst of all governments." The elective type is by contrast the best form of government "and is aristocracy properly so called."<sup>72</sup> (A true statement, if the electors always elect the excellent, as Rousseau seems to suppose they will do.) Plainly it is a form which imposes periodically the problem of election, which we have already noticed. Except for ideal democracies Rousseau does not favour election by lot. Perhaps a paper vote would be admissible. If, however, elections have to be avoided (on practical grounds), it seems a fair

conclusion that the form of government Rousseau would recommend for the unlimited community is not aristocracy but an hereditary monarchy (controlled, as always, by the general will). For he finds this the best form of government when an hereditary system is necessary. In practice simple governments are in any case rare, and intermediate officers are needed.

A monarchical government is automatically preserved from one of the two forms of degeneracy of government that Rousseau cites: contraction, the transition from the many to the few. (It is odd, seeing that Rousseau is no inflexible advocate of government by a large number, that he should term this process 'degeneracy' at all.) What of the more important type of degeneracy, the breaking of the social contract through the usurpation of sovereignty by the government (as 'despot') or alternatively the usurpation of government by one or more of its members (as 'tyrants')? As an aid to the prevention of this Rousseau acceptably suggests that "the stronger the government the more often should the sovereign show itself."<sup>73</sup> In his theories it is, and deserves to be, a cardinal point that "there must be fixed periodical assemblies which cannot be abrogated or prorogued."<sup>74</sup> How otherwise can government be kept in check by the sovereign? The sovereign, the legislative authority, is the heart of the state, and on it Rousseau believes that the continued life of the body politic depends. Once more we



may fall back on a proposal for assemblies in different cities in succession, but it is not a very happy one.

To an unlimited community Rousseau's executive machinery is, in short, perfectly applicable. He would recommend, in all probability, an hereditary monarchy or an elective aristocracy. But with these forms of government the need for supervision of the government by an active 'sovereign' is particularly great.

#### Rousseau and confederation.

One subject of Rousseau's writings might seem to suggest that his thought was not, after all, wholly focussed on the limited community. He gives considerable attention to confederations. The Comte d'Antraigues claimed the distinction of having destroyed a work by Rousseau on Federation extending to sixteen chapters. Whether or not this was true, Rousseau's views can be found from his 'edition' of the Abbé de St. Pierre's Project for Lasting Peace,<sup>75</sup> of which edition Rousseau was, as the publisher suggested, 'in very many respects the creator.' There is also a passage in Emile part of which reads: "We shall examine finally the kind of remedy that men have sought against these evils in Leagues and Federations, which, leaving each state master in its own



house, arm it against all unjust aggression from without. We shall enquire what are the means of establishing a good form of federal association, what can give it permanence, and how far we can extend the rights of the federation without trenching on those of sovereignty."<sup>76</sup>

The last clause is all-important. It shows that whatever his terminology, Rousseau's initial aim is not federation (in its modern sense) but confederation. And this, as Vaughan points out, is what we should expect from one who places his political hopes on the maintenance of small states. It is true that even this approach, even the concept of federation as a useful alliance for the protection of the individual state in which one is really interested, leads necessarily to some concern for all the other communities involved. And we pointed out in the introductory note on terminology that one reason for preferring the word 'community' to the word 'state' is that it holds no particular implication as to the possession of sovereignty by the body referred to. So Rousseau, in opening the question of confederation, is in some sense dealing with a larger community, whatever may be his plans for the retention or alienation of sovereignty on the part of the federating states. But if these states keep so much sovereignty that they remain 'politically distinct', essentially autonomous, then for practical purposes we may agree that Rousseau's attention is still bound by the limited

community.

It is bound by it, in any case, in another way too. Rousseau's edition of the Project for Lasting Peace shows that he is not envisaging that the federation shall spread over the world. He regards the unity of Asia and Africa as only nominal, whereas Europe is "a real society which has its religion, its manners, its customs and even its laws, from which none of the people who compose it can withdraw without at once causing trouble."<sup>77</sup> It is with Europe only that Rousseau is concerned, although "This concert of Europe has not always existed", and no doubt the possibility is open that a similar society could arise on a wider scale. It arose in Europe, he reminds us, largely through the unifying influences first of Rome and later of Christianity.

Examining Rousseau's view of "how the free and voluntary fellowship which unites the European states, by assuming the strength and stability of a true political body, can be changed into a real confederation",<sup>78</sup> we may wonder whether his aim of not trenching on sovereignty was successful. It is necessary, he says, that "the confederation should be so general that no considerable power would refuse to join it; that it should have a judicial tribunal with power to establish laws and regulations binding on all its members; that it should have an enforcing and coercive power to constrain each state to submit to common counsels, whether for action or for

abstention."<sup>79</sup>

Five points are put forward for the establishment of this confederation, and these five articles are not to be altered without the unanimous consent of the confederating states. The first and second concern the establishment of a perpetual and irrevocable alliance; the sovereigns participating in it are to name plenipotentiaries to a Diet and will decide the order, time and manner in which the presidency of the confederation shall pass from one sovereign to another. The later articles are more interesting for us, since they affect the sovereignty of the contracting powers. By article three, "the confederation shall guarantee to its members the possession and government of all the states each of them controls at the moment, as well as the succession, elective or hereditary, according to whichever is established by the fundamental laws of each country...."<sup>80</sup> Well and good. But the fourth article specifies a case when the confederation must take active steps, not only against any threat from outside, but against any of its own members who "shall have refused to execute the decisions of the grand alliance." And by the fifth article it is provided that such decisions can always be made when the plenipotentiaries deem them advantageous for the member-countries of the 'Commonwealth of Europe'.

Obviously these latter provisions are necessary to the confederation, and equally obviously they do something to diminish the extent to which a country controls its own affairs. A tariff dispute, say, might previously have led to war between two countries, but now becomes a matter for arbitration. In effect, the international authority is then exercising some control over the internal economic policies of its members. There is no doubt that Rousseau seeks confederation as a means of securing the safety of his small, ideal state, but --- especially in present times --- it is unlikely that even confederation, as distinct from a federation, could quite avoid encroaching on sovereignty. Any such league aims above all at reducing the risk of war between the contracting parties, and to achieve this end it must have, as Rousseau recognised, (1) force superior to that of any one member state, and (2) discretion as to when it uses this force, even if its scope here is limited by some original agreement which can only be changed by unanimous consent. At the least, disputes between member-states must be settled by arbitration, and unless one country's conduct of its own affairs can be prevented from having any impact on other countries, these disputes and their settlement will deal with matters which Rousseau would no doubt prefer to have dealt with by each separate sovereign. In other words, confederation will shade into federation.



At federation Rousseau was not aiming when he edited the Abbé de St. Pierre's Project. This we have seen. For his attitude to true federation one must refer (as C.J. Friedrich, writing very reasonably on this subject, does not<sup>81</sup>) to the Government of Poland. The Polish federation was to be a small one. Although Rousseau was driven to sanction the representation of the sovereign, therefore, he could console himself by reflecting that this representation might at least be direct. In a federation of Europe, on the other hand, the representation of each separate sovereign in the Diet would more probably be at second or third hand.

It is noteworthy that in the Government of Poland Rousseau was not alarmed at the possibility that the central Diet might entrench on the sovereignty of the palatinates. Indeed he was anxious that they should be subordinated to it. Why this difference in approach? One reason, surely, is that Rousseau was avowedly producing a scheme for Poland, not for one or other of the palatinates. He could hardly begin by throwing aside the unity of the nation towards whose corporate improvement his plans were directed. But probably there is another explanation. He was able to accept Poland as possessing a general will; he did not see Europe, despite its being a "real society", in the same light.

We are left with this position. In neither the Project for Lasting Peace nor the Government of Poland does Rousseau



depart from his preference for a limited community. But the one work shows that, to preserve peace, he would venture on methods tending towards federation; the second shows once more that, where circumstances compel him to direct his attention to a multi-state community and where he accepts this larger community as having a general will, full federation does not seem to him to be incompatible with the rest of his political theory. This despite the fact that the sovereign must then act by representation.

The general will of the world.

We have now seen (both in speaking of the general will's realisation and of Rousseau's attitude to federation) that Rousseau points a way towards the implementation of the general will in any size of community, provided he thinks that in that community the will potentially exists. And we have seen (in speaking of the machinery of government) that if the sovereign is once realised in a large community, no serious problems will be posed by the adaptation of Rousseau's executive.

Would Rousseau agree that there can be a general will of the world?<sup>82</sup>

It is a common interest which makes the general will, and

Rousseau does not seem to insist on a common culture. He would not necessarily have agreed with Bosanquet's view that "No such identical experience can be presupposed in all mankind as is necessary to effective membership of a common society and exercise of a general will."<sup>83</sup> And even were this Rousseau's own view, it remains a questionable one, as has been interestingly pointed out in a thesis by Rigg.<sup>84</sup> Writers on internationalism commonly use the term 'general will' in two senses: the first, as representing a belief that human desires, truly understood, are non-contradictory; the second, as representing the idea of a common culture which is also a peculiar one. Rigg acceptably argues that "According to the first conception, it is necessary for a general will that human desires be non-contradictory; according to the second, they must be in large measure identical." Holders of the second view have a case for objecting to a world federation, provided they can believe that such human wishes as are identical --- e.g. the wish for survival --- are not the predominant desires.

One can only guess at the position which might now have been taken up on this by Rousseau. It is at least possible that he would have held (1) that the present world situation demands the establishment of a federation embracing all countries, if only for the sake of safety; (2) that now, if not before, there exist the ingredients of a world-wide general

will; and (3) that in consequence a confederation must be set up, and merged into federation in so far as the new general will can find practical means of expression on such an unprecedentedly large scale. These means would probably be concerned with representation (always assuming that we discount the passage in the Political Economy, already referred to, which says that rulers need only act justly to be sure of following the general will.)

If this were Rousseau's position when confronted with the present world situation --- and it seems fair to suppose that it would be, unless he reiterated, in despair, his comment on Geneva in Letters from the Mountain<sup>85</sup> --- it would involve, as the Government of Poland did, and this time much more drastically, the denial of his own doctrine that the sovereign cannot be represented. It was perhaps fear of this that helped to dissuade him from proposing a federation, rather than confederation, of Europe: despite the fact that he admitted Europe to be "a real society" and so, one would have thought, a society with the makings of a general will. (If this was one of his object<sup>ions</sup> to full European federation, it was probably not the only one. Rousseau thought that there was a natural condition of equilibrium among European states which would in any case always prevent the establishment of a 'universal' European monarchy, under which head we may perhaps include any sort of complete federation.)

Still, to have forebodings as to the way the general will must find expression in a large state is, as we have said, not the same as to say that it cannot be expressed at all. Still less is it to say that in a large community a general will cannot even exist. One could plausibly argue that the universal need for peace, as an alternative to possible extermination, is by itself enough of a common interest to bring into being a general will of the world.

#### Rousseau and the individual

We come to the conclusion that Rousseau's political writings may, on his own showing, be applied to the unlimited community. On the other hand, their practical utility --- and even meaning --- becomes steadily more dubious as they are related to larger states than the city-state he had in mind. It is time to turn to the practical effect of his theories, in any size of state, upon the individual citizen: the man who is born free, but is even now not out of sight of his chains.

In the perennial discussion whether Rousseau's theories are individualist or collectivist, there have been some unnecessary confusions. Rousseau could well have been mainly

individualist in intention without his theories being so in their effect. Also, it is arguable that there is more than one way of being an individualist: that individualism need not mean liberalism.

Although a writer's intentions when starting a project should not be appealed to with a view to misrepresenting his actual achievement, it may be useful to bear his intentions in mind. And this is one sphere in which it is fair to take into account, if enough accurate information is to hand, the character and circumstances and outlook of the man himself. Where Rousseau is concerned there is plenty of data; almost too much of it. Those who favour the biographical approach to ideas --- it is seldom unpopular --- have every facility for replacing an analysis of Rousseau's writings by a strong picture of Rousseau himself, from which his ideas can be confidently if wrongly deduced. If, as a critic has said, Rousseau was rather like the crystal ball that reflects whatever is around it, it is equally true that writers of all kinds have come up to the crystal, seen what was mirrored there, and gone away to delineate not so much Rousseau's mind as their own.

Still, in the words of F.M. Watkins, Rousseau's personal experience "goes far to explain the direction of his political thought." (Just as Professor Watkins' own extraordinary environment, mid-twentieth-century America, may go some way to



explain the direction of his summary of Rousseau's experience)<sup>86</sup> Rousseau's life is generally agreed to have been in some ways a frustrating one. For whatever reasons, he felt himself less and less at one with society, as is seen in the Confessions and most explicitly in that work's sequel, the Reveries of a Solitary. It is customary to say that in the last stages of his life he suffered, if not from madness, from a 'persecutional mania'. The evidence rather suggests that what he mainly suffered from was not persecutional mania but exactly what he thought he suffered from, i.e. persecution; but that is by the way.<sup>87</sup> F.C. Green, in his recent study of the life and writings of Rousseau, has something of the traditional pre-occupation with delusions and illusions, but he admits that these were "terribly real to Jean-Jacques". He comments: "Viewed in perspective, the Rêveries illuminate the final phase of Rousseau's life-long struggle to preserve the integrity of his fundamental self in an age dedicated to the cult of material progress, the 'new doctrine' which might ultimately destroy mankind by eliminating what is specifically natural and human in the individual."<sup>88</sup>

We should not expect a man in this sort of position to worship society as he knew it. In his political theorising he might seek a means of removing all restraint from the individual, or he might alternatively seek a new sort of society

which would achieve much the same end by expressing each individual's true individuality for him. It was this latter solution, rather a magical one certainly, that Rousseau favoured.

Rousseau believed that his work was of a piece, and in the present century critics have come to admit that the Contrat Social, in intention at least, is not unrelated to the individualist attitude he displays elsewhere. Whatever the value of Rousseau's prescription for social man, the diagnosis which inspires his suggestions is penetrating and unambiguous, and is maintained consistently in his writings.

In the Discourse on the Arts and Sciences (the successful prize essay by which the Academy of Dijon has made its lasting name) Rousseau plunges almost at once into his attack upon conformity. "In our day... there prevails in modern manners a servile and deceptive conformity; so that one would think every mind had been cast in the same mould."<sup>89</sup> Whom, significantly, does this recall? It brings to mind Tocqueville, writing on America in 1835: "It seems, at first sight, as if all the minds of the Americans were formed upon one model, so accurately do they correspond in their manner of judging."<sup>90</sup> Rousseau the supposed revolutionary and Tocqueville an often-supposed reactionary shake hands across 1789. We might invite J.S. Mill to make up an interesting trio: "Thus the mind itself is bowed to the yoke: even in what people do for pleasure,

conformity is the first thing thought of... they become incapable of any strong wishes or native pleasures, and are generally without either opinions or feelings of home growth, or properly their own."<sup>91</sup>

Rousseau the individualist continues in the same essay: "We no longer dare seem what we really are, but lie under a perpetual restraint; in the meantime the herd of men, which we call society, all act under the same circumstances exactly alike, unless very particular and powerful motives prevent them."<sup>92</sup> It may be objected to these quotations from the Discourse on the Arts and Sciences that Rousseau himself, in the Confessions, expressed a rather low opinion of that essay. But in the Discourse on the Origin of Inequality, five years later, Rousseau is putting forward the same view of social man: he "lives constantly outside himself, and only knows how to live in the opinion of others...." And, "always asking others what we are, and never daring to ask ourselves, in the midst of so much philosophy, humanity, and civilisation, and of such sublime codes of morality, we have nothing to show for ourselves but a frivolous and deceitful appearance, honour without virtue, reason without wisdom, and pleasure without happiness."<sup>93</sup>

Three years later again, we find in the Letter to d'Alembert: "If in solitude our habits arise from our own wishes, in society they are born of the opinion of others.

When one lives not by oneself but among others, it is their judgements that rule everything; nothing appears good or desirable to individuals other than what the public has judged so, and the only happiness known by most people is that of being thought happy."<sup>94</sup> (Rousseau may have reflected in passing that society's peculiar notion of happiness is paralleled by an equally irrational one of misery; he makes some allusion to this in the Discourse on the Origin of Inequality.<sup>95</sup>)

Once more, in the third dialogue of Rousseau Juge de Jean-Jacques: "Everywhere only a varnish of words; all men seek their happiness in appearance. No one cares for reality, everyone stakes his essence on illusion. Slaves and dupes of their self-love, men live not in order to live but to make others believe that they have lived!"<sup>96</sup>

In the face of passages like these the undesirability of dismissing Rousseau as a collectivist is fairly clear. Qualifications must be added to any judgement of <sup>the</sup> ~~this~~ kind. And, in fact, many critics have added them. Vaughan is commonly pointed to as one who has too much simplified the issue, but there are contradictions in Vaughan. At the outset of his work he says: "Strike out the Discours sur l'inégalité with the first few pages of the Contrat social, and the 'individualism' of Rousseau will be seen to be nothing better than a myth."<sup>97</sup> Elsewhere, however, he refers to



Rousseau as a passionate pleader for the cause of individual freedom.<sup>98</sup> The way to avoid this dichotomy is to recognise in the first place, as we have suggested, a probable difference between Rousseau's intentions and his achievements.

Léon Duguit, in 1917, made this distinction admirably. His verdict is: "J.-J. Rousseau is the father of Jacobin despotism, of Caesarian dictatorship, and, upon closer observation, the inspirer of the doctrines of absolutism of Kant and of Hegel." Shortly afterwards: "That Rousseau is a convinced individualist we cannot deny."<sup>99</sup>

The truth contained in both these statements has slowly become recognised (though Duguit's paper itself seems to have attracted little attention, except from Derathé) and a succession of attempts has been made in the present century to explain the exact peculiarities of this individualism that produces collectivism. Gay, in an introduction to his translation of Cassirer's The Question of Jean-Jacques Rousseau, is able to name some of the best-known modern critics of Rousseau --- Mendel, Cobban, Derathé --- as being in the tradition of Gustave Lanson, E.H. Wright, and Cassirer.<sup>100</sup> They have this in common, that they recognise an attempted unity in Rousseau's work.

Traditionally the rights and duties of the individual were proclaimed and defended by the doctrine of natural law. But Rousseau, however much he was influenced by natural law



theories, departed from them. He did not seem convinced that he had done so. Consequently the relationship of his ideas to natural law can appear quite complicated if it is studied in isolation from the whole picture of his ideal state: a state, we must remember, in which the sovereign represents an all-righteous will limited only (1) by not being supposed to deal with particular issues, and (2) by Rousseau's own ex cathedra statements as to the will's inability to be unreasonable or inequitable.

The important recent work of Derathé has dealt with this matter at some length. Derathé holds that most of Rousseau's interpreters have gone astray in dealing with his central paradox: the paradox that his sovereign "thus presents this double character of being at the same time absolute and limited."<sup>101</sup> But is it much of a paradox? Is not the apparent contradiction the result of a confusion between fact (as represented by Rousseau's concrete proposals) and ideal (as represented by Rousseau's hopes)? Rousseau's sovereign is in fact absolute, whatever limiting characteristics he may wishfully assign to it. (I am ignoring here the distinction, mentioned by Derathé quoting Burlamaqui, between 'absolute' and 'unlimited'.)

By traditional theories of natural law each individual is the ultimate judge of whether or not he should obey political authority. In this way limits are set to a sovereign's

understood rights: limits which may be vague but are of practical importance, because they are applied from outside. They are not left to be determined only by the innate wisdom of the sovereign power itself. Everything about Rousseau's schemes that we have so far considered suggests that he allows none of these practical limits to the sovereign's authority. If, however, it can be shown that despite appearances to the contrary he is ready to subordinate his concept of the general will to that of natural law, the Rousseauist state will be no less sympathetic to individual consciences than the Lockean one. Is it possible that Rousseau is ready to do this?

Vaughan, himself not hypnotised by the merits of natural law theory, claimed that Rousseau "sweeps away the idea of natural Law, root and branch."<sup>102</sup> He points to its absence from the Discourse on the Origin of Inequality and to its explicit rejection in the first draft of the Contrat Social. A number of other critics (e.g. Gough,<sup>103</sup> and Cobban before he was moved by Derathé to a revision of his views<sup>104</sup>) have given the same verdict. It seems basically a sound one. It can be challenged, however, on several grounds.

One ground is that Rousseau was familiar with the idea of natural law from previous political theories, as of course he was, and that he took over some natural law terminology:

as in speaking of his sovereign as a 'moral person'. This line of argument proves nothing. An examination of Rousseau's authorities, if such they can be called, does not help us unless it clarifies what Rousseau said. Cobban thinks that, as expounded by Derathé, it has done so.<sup>105</sup> Derathé's historical foraging may certainly have saved him from an over-rigorous diet of Rousseau, and so have encouraged a fresh approach. But Rousseau's theories remain what they were.

Another ground is Rousseau's view of the social contract. How could the contract be effective, it is asked, if moral obligation was not already understood when it was drawn up? We shall answer that it could not be, and that Rousseau was therefore inconsistent. Life in the community which had made Rousseau's compact might certainly encourage the recognition of moral laws which existed only in embryo in the state of nature, and which, after the compact, came to be expressed by the general will. But these moral laws would surely have to be evident already, to some extent, before the contract became possible. In the first draft of the Contrat Social Rousseau enunciated that it is from the state that our first distinct notions of justice and injustice are drawn.<sup>106</sup> Perhaps the word 'distinct' here can be manipulated to mask the inconsistency. At least it seems wiser to conclude that Rousseau was inconsistent over the original contract than to deduce, from his presentation of the contract as historical,

that he was a natural law theorist.

A third and the most obvious ground for disputing that Rousseau rejected natural law is provided by his own occasional allusions to it. Franz Haymann, in his article on the subject, draws attention to a number of explicit references, but it is not always clear that they mean much. Haymann relies for support particularly on this remark in Letter VI of Letters from the Mountain (1764): "... it is no more permitted to infringe natural laws by the social contract, than it is permitted to infringe positive laws by particular contracts...".<sup>107</sup> Whether we are to regard this pronouncement as significant would seem to depend on what we think Rousseau meant by 'permitted'. If he meant merely that the general will, the product of the social contract, 'cannot' do wrong, he has said as much in the Contrat Social. There does exist, however, a more surprising passage in which Rousseau says that three authorities are superior to the sovereign: God, natural law, and the authority that the idea of honour has over honest men. The sovereign, if it is ever in conflict with these, must submit to them. One cannot do better than repeat what Cobban (in 1934) said of this: "The effect is to concede practically all that Locke demands. I do not at present see how this can be taken as more than an isolated passage, but it is not the less interesting, especially as Rousseau has himself noted on the original draft, 'Cette petite pièce



est très bonne; il la faut employer."108

This passage may well be the only one in Rousseau's works to which we can confidently appeal to show that he was willing to subordinate the general will to natural law, in the event of a conflict between the two. Surely it is not enough. Elsewhere we have to suppose that, although natural law may be the ultimate authority, it is interpreted and expressed by the general will: or perhaps, just as implausibly, that it and the general will cannot clash because they somehow operate in separate spheres. If Rousseau believed in the primacy of natural law, as ultimately interpreted by the individual conscience, it is hard not to think that he should have inserted a few remarks to this effect in the Contrat Social. The fact that he omitted from the Contrat Social the renunciation of natural law which appeared in its first draft is not by itself convincing evidence that he had reversed his view.

Our conclusion on this may be brief. In so far as Rousseau takes over the idea of natural law, he merges it in his own doctrine of the general will. By implication therefore he rejects the idea of natural law, and the whole character of his political schemes emphasises this rejection. It may have been unintended, in the sense that Rousseau wished less to destroy natural law theories than to concentrate on his own purpose.



What was this purpose? To sketch an ideal society. How did he pursue it? By describing how the ideal society was to be achieved, where he could; by describing what it was to be like, where he could not. So it comes about that a critic as acute as Cobban can defend Rousseau against the charge that he does not deal with a clash between the general will and the individual conscience, by saying (in effect) that the general will only prevails in an ideal state: when it is not prevailing, there is always individual conscience to fall back upon.<sup>109</sup> This is true. But what a comment on a political theory! It is as though somebody should produce a blue-print for achieving a completely law-abiding community, and when another asks him, "Where are the law-courts in your plan?" he replies, "You forget that I am dealing with a completely law-abiding community." The least we should probably require of such a theorist would be a certain means of knowing when his ideal became fact and when it ceased to be fact. Rousseau, as we have seen earlier, supplies no such means.

Certainly we may easily sympathise with Rousseau's aims and allow that he tried consistently, in all his works, to follow them. As Hendel puts it, his fundamental problem was "to set men free from their own tyranny, tyranny within as well as without... It was to make human action generally fair, just, righteous; and society a scene of liberty and

even-handed equality."<sup>110</sup> In such an attempt Rousseau is propounding an ideal. But when in 1763 Usteri, a Zurich minister of religion, wrote to him putting forward the idea of a political society of Christians, Rousseau replied that political and civil societies "are purely human institutions... only the vices of men make these institutions necessary, and only human passions preserve them.... My dear friend, you forget that your Christians will be men, that the perfection I suppose them to have is only such as befits humanity. My book is not written for Gods."<sup>111</sup> And he had said similarly in the Contrat Social, "All justice comes from God, who is its sole source; but if we knew how to receive so high an inspiration, we should need neither government nor laws."<sup>112</sup> There can be no doubt that Rousseau's ideal state masquerades as a practicable one. In all its aspects therefore, not just in the more realistic ones, it must be criticised on that basis.

Each of his proposals is based on the supposition that an ideal will is going to wield supremacy in his state. He gives a particular name to the will, so enabling himself to define as he pleases the right conditions for its expression. These conditions at the best guarantee nothing, and to any but the smallest states they seem hardly applicable. Yet we have found that Rousseau himself, confronted with larger states and confederations, clings, however despondently, to his theories. In this way he goes some distance towards sanctioning an application of his doctrines to the last

and greatest state of all.

This state, Civitas Maxima, may yet be influenced if and when it comes by the brilliant Citizen of Geneva. Since it, more than any previous political society, will need careful safeguards against tyranny --- no world-citizen having the option of emigration, unless to another planet or another plane of existence --- it will be wise to remember exactly what Rousseau, in intention an undoubted individualist, actually does for the individual in his schemes. He places on him a huge burden of responsibility that he does not even mention. It is the responsibility of deciding whether the general will is operating, and what to do if it is not. And the general will is all too likely not to be operating. A de facto sovereign can easily take over each individual's rights, but much less easily represent each individual's best interests.

Rousseau had tried to find a means whereby the best interests of all citizens could be discovered, synthesised, expressed and enforced by the state power. He achieved his aim on paper by what Duguit excellently calls a "sleight-of-hand performance".<sup>113</sup> Taken as concrete proposals his theories are almost certain to foster the despotism and persecution that he, with good personal reason, loathed.

### 3. AN 'INDIVIDUALIST' THEORY: LOCKE

#### Natural law instead of the general will

We shall look at Locke more briefly. His political theories are at once less ambiguous than Rousseau's and more plainly adaptable to the unlimited community. A consideration of them is chiefly valuable for comparison.

Even those who deny that Rousseau's theories are collectivist may allow that they are only individualist in a quite peculiar way. Locke, by contrast, is an individualist in the familiar sense of being a liberal, and his political philosophy has the traditional foundation of natural law. Except by Willmoore Kendall, who manages to interpret Rousseau as an extreme individualist and Locke as an exponent of what we may call majority tyranny,<sup>114</sup> Locke's liberalism is generally agreed.

Let us run over his natural law doctrine. Locke accepts the idea of a moral order, ruled by natural law, existing independently of political society. We are not driven back on a deduction, as with Rousseau, that because he believes men to be capable of making a contract he must surely think that

some morality exists before it is made. Locke says explicitly that it does. "The state of nature has a law to govern it, which obliges every one; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty or possessions...." 115

In the Essay Concerning Human Understanding we are told how this law of nature is discoverable. The help of positive revelation is not needed. Natural law is "something that we, being ignorant of, may attain to the knowledge of, by the use and due application of our natural faculties." 116 At more length this is set out in the Essays on the Law of Nature. Locke rejects both the proposal that the law of nature is inborn --- inscribed in the minds of men --- and the view that it is to be known primarily or certainly by tradition. Nor, he judges, can it be known from the general consent of men. It is to be discovered through sense-perception plus reason. "For only these two faculties appear to teach and educate the minds of men and to provide what is characteristic of the light of nature, namely that things otherwise wholly unknown and hidden in darkness should be able to come before the mind and be known and as it were looked into." 117

It is therefore one of the chief differences between



Rousseau's general will and Locke's interpretation of the law of nature that the latter is in no way less valid or less discoverable before the social compact is made than it is afterwards. Rousseau's general will, of course, comes into being with the making of the contract and ceases to be realised once the contract is broken. For Locke the state of nature is not necessarily a state of war; indeed, so far as it may happen to be ruled by the law of nature, it cannot be a state of war. The state of nature simply describes an unpolitical society. The ramifications of the social compact itself are less important in Locke's theory than in Rousseau's. Civil society is set up chiefly to avert the insecurity and uncertainty, and the risk of war, that afflict a society still in a state of nature. When all executive right is in the hands of individuals --- both the general right of punishing a man who offends against natural law, and also the right of the injured party to take reparation --- force most easily becomes divorced from right. For although transgressions should only be punished "with so much severity, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like.", <sup>118</sup> there is then nobody but the individual to judge the proper degree of severity.

Such insecurity must be avoided. Each citizen must

surrender, through the social contract, his executive power of the law of nature. By so doing he "puts himself under an obligation to every one of that society, to submit to the determination of the majority, and to be concluded by it". 119

This explains well enough why Locke sees a need to escape from the state of nature, in which the law of nature is valid but not enforced, to a political society. But it also raises the question exactly how far the executive power of the law of nature is to be surrendered by each individual.

#### Locke and the individual

The fact that men had natural rights prior to the social compact does not in itself show that the guardianship of these rights cannot be alienated. Locke is not explicit on this and if it were true, as Kendall appears to believe it is, that he intends the individual to submit himself to the majority in every respect, Rousseau would not have been far wrong when he said in Letters from the Mountain that Locke had treated of the same matters on exactly the same principles as himself. 120 Indeed Locke would have provided on this basis fewer safeguards against tyranny than Rousseau, who does at least make an effort to

keep his executive subordinated to his sovereign, and also to see in the sovereign something nobler than an ordinary majority vote.

Locke need not be accused of investing the majority with a magical infallibility. He does think that the majority is unlikely to assert itself (by revolution) unless and until it is in fact in the right; but this is a different thing from supposing that it will be in the right always. Locke's "right of revolution" assigns to the majority a right, in certain circumstances, to use the power it already possesses --- a power to revolt against the tyranny of its trustee, the government, over itself. The circumstances are not likely to include every imposition of a small injustice. "For till the mischief be grown general, and <sup>the</sup> ill designs of the rulers become visible, or their attempts sensible to the greater part, the people, who are more disposed to suffer than right themselves by resistance, are not apt to stir. The examples of particular injustice or oppression of here and there an unfortunate man moves them not." 121 Where the majority is not moved we can surely take it that the majority is in effect still behind the rulers, even though these rulers are in some respects acting mischievously. The majority does not, therefore, infallibly enforce the law of nature.

The majority is not infallible and injustices may be committed in its name. These injustices will be perceived by individuals, since, as we have mentioned, Locke states in the Essays on the Law of Nature that natural law is discovered through sense-perception plus reason, and is not established by the general consent of men. And in the Second Treatise we find that "...every man is judge for himself," in all cases, "...whether another hath put himself into a state of war with him...."<sup>122</sup> Are individuals, despite their power of judgement, to submit themselves wholly to the majority? Are they to take no other step to enforce their rights than that of trying to win over a majority of fellow-citizens to their side?

Such a submission is not quite prescribed; rather is it taken for granted. Locke quotes with partial approval a passage from Barclay which includes these words: "'This, therefore, is the privilege of the people in general, above what any private person hath: That particular men are allowed by our adversaries themselves (Buchanan only excepted), to have no other remedy but patience; but the body of the people may, with respect, resist intolerable tyranny....'"<sup>123</sup> He himself says that the umpire between a prince and some of his subjects ought to be the body of the people, but if the prince declines this, "the appeal then lies nowhere but to Heaven."<sup>124</sup>



In short it is true that Locke, while he invests neither people nor prince with infallibility, suggests no effective means of redress for an individual citizen who has a just grievance against the government but whose cause is not taken up by a majority.

The explanation is not (as we have seen) that Locke failed to admit a possibility of such cases arising. There is no reason to accuse him of having jettisoned the normal assumption of natural law theory, that right and wrong are ultimately determined neither by majorities nor by any temporal authority at all.

One possible explanation of Locke's attitude would be a fear that too many individuals might defy the government on their own initiative, so producing anarchy. This danger had been voiced by one of Locke's more neglected precursors, Philip Hunton, in a concise passage in his Treatise of Monarchy, 1643. Having expressed the opinion that "...in a Case which transcends the frame and provision of the Government they are bound to, People are unbound, and in state as if they had no Government; and the superiour Law of Reason and Conscience must be Judge:" Hunton immediately warns "...wherein every one must proceed with the utmost impartiality: For if hee erre in judgement, hee either resists Gods Ordinance, or puts his hand to the subversion of the State and Policy he lives in."<sup>125</sup>



Locke might have agreed with Hunton on this. But the chief reason he gives no advice to an individual citizen oppressed by the state seems to be that he simply sees no remedy. He admits that in private cases men have a right to defend themselves against tyranny, but thinks they are unlikely to try to do so: "it being as impossible for one or a few oppressed men to disturb the government where the body of the people do not think themselves concerned in it, as for a raving madman or heady malcontent to overturn a well-settled state, the people being as little apt to follow the one as the other."<sup>126</sup> Let us remember that we are not dealing here with any attempt by a few individuals to bring down the government, but merely to resist it on some particular matter. In admitting that men have a right to defend themselves against injustice Locke is not altering his theory upon the right of revolution, a right which he awards only to a majority of the people. The paragraph in the Second Treatise from which we have just quoted does not imply that a minority party has in any circumstances a right to try to impose on the people a new government; but it perhaps places in some doubt the view --- shared for example by S.P.Lamprecht --- that Locke will not permit an individual actively to resist the state; that "his social theory of the quite limited right of revolution led him to deny the moral propriety of open opposition or rebellion by a few persons against the magistrates."<sup>127</sup>

The private citizen then is not divested of moral rights against the government, but his hope of expressing these rights seems slight. One sees how impressive is Willmoore Kendall's argument that, in practical effect, Locke enslaves the individual to the majority. Indeed one begins to wonder how the interpretation of him as an extreme individualist (e.g. by Vaughan<sup>128</sup>) was ever possible. But let us look at the question of passive resistance.

Locke speaks of passive resistance in discussing the opinions of Barclay. He seems to take a poor view of it. "How to resist force without striking again, or how to strike with reverence, will need some skill to make intelligible.... This is as ridiculous a way of resisting as Juvenal thought it of fighting.... He, therefore, who may resist must be allowed to strike."<sup>129</sup> Unlike Locke we may think that passive resistance is not so ridiculous a way of resisting as it is of fighting: particularly if what one is resisting is not so much the other party's blows as his commands. If a citizen has no power to gain redress for himself by active resistance, passive resistance is his only alternative other than submission. In the unlimited community passive resistance may become more than ever an individual's only practical means of obedience to natural law when he conceives this law to be broken by government.

In discussing Barclay's views, however, Locke is really dealing with resistance by a whole community to an unjust king. Barclay's doctrine of non-retaliation was particularly unattractive to him in this context. Passive resistance on the part of an individual is surely another matter. If we say that Locke's theory does not permit it, we are in danger of interpreting him as more of an absolutist in a sense than Sir Robert Filmer himself. For Filmer, in his Patriarcha of 1680 to which Locke's First Treatise was of course a reply, expressly allows to the subject a "passive obedience". Each man, Filmer says, needs "a relative knowledge of those points wherein a sovereign may command"; it is necessary that "every man himself know how to regulate his actions or his sufferings; for according to the quality of the thing commanded an active or passive obedience is to be yielded, and this is not to limit the prince's power, but the extent of the subject's obedience, by giving to Caesar the things that are Caesar's, etc."<sup>130</sup> Filmer's distinction between these two kinds of obedience suggests the legitimacy of some degree of non-co-operation with government. We should expect Locke to go as far or farther, and at least to bear out Lamprecht's interpretation, that the conscientious individual is at liberty to do as he thinks best even if he is "thus confined to the necessity of passively accepting the

punishment assigned for violation of the civil laws."<sup>131</sup>

The individual's ultimate right of decision, his moral right, is something that Locke admits and proclaims.

### Locke and the unlimited community

Locke takes for granted that the setting for his theories will be a limited community. It is a curious fact that Filmer in Patriarcha and Locke in the First Treatise both bring forward the argument that the works they are attacking, to be consistent, should call for a world state. Each author uses this contention as one more proof that the theory he is opposing is foolish. Filmer, alluding to all who would place supreme power in the whole people, asks them whether they mean that all men on earth should meet to elect a governor. If not, how has the power of the whole people come to be split up among separate communities? "Can they show or prove that ever the whole multitude met and divided this power which God gave them in gross by breaking into parcels and by appointing a distinct power to each several commonwealth? Without such a compact I cannot see --- according to their own principles ---how there can be any election of a magistrate by any commonwealth, but by a mere usurpation upon the privilege of the



whole world. If any think that particular multitudes at their own discretion had power to divide themselves into several commonwealths, those that think so have neither reason nor proof for so thinking, and thereby a gap is opened for every petty factious multitude to raise a new commonwealth, and to make more commonweals than there be families in the world."<sup>132</sup>

Locke, in his turn, uses the existence of separate sovereignties as an argument against Filmer's thesis that kings derive their authority from Adam. "If there be but one heir of Adam, there can be but one lawful king in the world, and nobody in conscience can be obliged to obedience till it be resolved who that is.... If there be more than one heir of Adam, everyone is his heir, and so everyone has regal power...."<sup>133</sup> But we find no answer, in Locke's partial reply to Patriarcha, to the point of Filmer's that we have quoted.

Filmer's observation that the whole population of the world has never been assembled may lead the reader to the reflection that neither is it likely to be assembled in the future. This fact too might pose a problem for Locke were he to concern himself with an unlimited community, since supreme power is placed by him in the whole body of citizens. But the difficulty is less great for Locke than for Rousseau.



It is true that the people is 'sovereign' in Locke's theory (unless 'sovereignty' be interpreted to mean merely supreme right irrespective of whether it is associated with power, in which case sovereignty belongs to natural law) but "this power of the people can never take place till the government be dissolved"<sup>134</sup> and unlike Rousseau Locke does not provide a mechanism, in the shape of periodical meetings of the people, for changing the magistrates. Perhaps he thought any such meeting impracticable, and nothing seems clearer than that, in a world state, impracticable it would be. Locke's 'right of revolution', also, might become less practicable than previously. But this is uncertain. Political power might be concentrated and its seat be hard to change; on the other hand revolutions might be carried through more easily than before, even, against Locke's prescription, by minority groups.

In some other ways too the unlimited community would perhaps impel Locke to revise his ideas. One of the safeguards he provides for individual freedom would disappear: the requirement of individual consent to the contract. Interplanetary migration apart, residence within the community could less easily be held to imply consent to its form of political organisation. The situation of atheists and others, to whom the Lockean ideal state does not extend

toleration, would be worsened.

Despite such difficulties Locke's political theory can lose little validity in the unlimited community. Indeed from the purely theoretical standpoint it is odd that his concept of natural rights did not lead him to challenge the nation-state.<sup>135</sup> He says plainly that in relation to the rest of mankind the nations are still in a state of nature.<sup>136</sup> Is it not desirable then that there should be a supranational organisation serving for mankind as a whole the purpose that any government should serve within a national community: i.e. removing from each subordinate party its executive power of the law of nature? The comparison, after all, is Locke's. (He might alternatively have thought that natural rights are possessed only by individual persons, not by communities as such, and that it is immaterial to the individual under which government he lives so long as that government is properly constituted. If all states were built on the Lockean model wars might then be unimportant to the citizen except in so far as they threatened him with a compulsory change of nationality.) But Locke assigns to the 'federative' power in each state the control of international affairs and then washes his hands of the matter.

That he did so is not altogether surprising. Still, he is far from being an aggressive nationalist. His political

philosophy is basically favorable to the development of an unlimited community. In such a community one of the least satisfactory points in his theory --- the position of an individual in conflict with the majority --- may particularly demand re-examination, and this may involve a closer look at the question of passive resistance.

#### 4. SINCE LOCKE AND ROUSSEAU

In the time both of Locke and Rousseau there was little support for the notion of a world monarchy and little visualising of a positive law among nations. Pufendorf denied even the validity of majority decisions in a confederation of states, as impinging on national sovereignty. Leibniz and Montesquieu, however, left room in their theories for some form of federalism. Federal ideas also came to be re-absorbed into what Gierke has stamped as 'orthodox' natural-law theory.<sup>137</sup>

In this re-absorption an outstanding figure was Christian Wolff, whose Law of Nations treated on a Scientific Method was published in 1749. Wolff was original enough to lend his support to a civitas maxima, but exactly what he meant is still debatable. The ambiguity of his ideas is concentrated in this pronouncement: "All nations are understood to have come together into a state, whose separate members are separate nations, or individual states."<sup>138</sup> Then when is a state not a state? Perhaps when it is a supreme state. "The state, into which nations are understood to have combined, and of which they are members or citizens, is called the supreme state."<sup>139</sup> Wolff explicitly says that the supreme state must have some

sovereignty over member-nations, just as these nations have sovereignty over their citizens. The government of the supreme state must be democratic, since it is unimaginable that the nations would bestow on any one country a sovereignty over themselves. But, since the nations do not assemble, how is this international democracy going to function? Wolff explains that "that must be taken to be the will of all nations which they are bound to agree upon, if following the leadership of nature they use ~~the~~ right reason. Hence it is plain, because it has to be admitted, that what has been approved by the more civilized nations is the law of nations."<sup>140</sup> This is not very helpful; it tends to offer a moral complacency to any nations which, considering themselves to form a majority of civilised states, wish and are able to coerce other nations into accepting a particular interpretation of their national obligations. The functioning of Wolff's supreme state depends on the ability of a majority of states to agree on what international obligations are, and having agreed to enforce their views. "Moreover, it will be evident in its own place that nothing at all results from this, except those things which all willingly recognize as in accordance with the law of nations, or what it is readily understood they ought to recognize."<sup>141</sup> Readily understood by whom? one asks.

The abstraction of Wolff's proposals is best shown by his remarks about the supreme state's ruler. This ruler is



unashamedly fictitious. ("Fictions are advantageously allowed in every kind of science....") He it is who "defines by the use of right reason what nations ought to consider as law among themselves....":<sup>142</sup> and it may strike us as a pity that his enforcement of his decisions will be as fictitious as the decisions themselves. Wolff's 'ruler' is certainly useful to us, but only because the prescription for his duties illustrates what needs to be done, and what in fact will not be done, precisely because he is imaginary. It must be allowed that Wolff makes a notable advance in approach: recognising the existence of obligations between nations, he does deduce from this that the community of humanity has a right to see that these obligations are carried out. He does not, however, put forward any idea of a cohesive super-state with a real ruler and a positive law. He states a need, but supplies too sketchy an answer. The civitas maxima remains a name.

### Theorists of the Rousseau tradition

Making a rough but serviceable division of some modern writers into Locke and Rousseau factions, we shall assign Kant to the latter. In the later eighteenth century Kant made a more striking departure in the direction of internationalism than had Wolff, but Kant was at the same time

a part-inspirer of the so-called idealist school, which so far as political philosophy is concerned has tended to idealise the existing nation-state.

Kant's view that mankind progresses by means of mutual antagonism is explicitly applied by him to nations as well as to individuals.<sup>143</sup> Thus far one would expect him to be a champion of the nation-state. But progress is not for nothing. Nature employs among people the means of antagonism "only so far as this antagonism becomes at length the cause of an Order among them that is regulated by Law."<sup>144</sup> Presumably, then, the antagonism of nations is to lead to some form of world order. And Kant certainly propounds such an order, but it is not clear whether it is always to remain a form of confederation distinct from a world state; nor is it clear whether Kant believes that the ultimate world order will more or less coincide with the end of time: a view which, if held, might make it possible to interpret Kant as for practical purposes a nationalist. The problem will be "the latest to be solved by the Human Race." If the conditions for a world society ("above all a good will prepared for the reception of the solution") are found at all, "it can only be very late in time, and after many attempts to solve the problem had been made in vain."<sup>145</sup>

In his essay on "The Principle of Progress" Kant speaks of the danger of a world despotism, though only in tentative

terms. The evils arising from constant wars bring the states at last to enter into a "universal or cosmo-political Constitution. Or, should such a condition of universal peace --- as has often been the case with overgrown States --- be even more dangerous to liberty on another side than war, by introducing the most terrible despotism, then the evils from which deliverance is sought will compel the introduction of a condition among the nations which does not assume the form of a universal Commonwealth or Empire under one Sovereign but of a FEDERATION regulated by law, according to the Right of Nations as concerted in common." 146

To such a federation is devoted Kant's noted essay on Perpetual Peace. Here he plainly says that he is not dealing with a world state. But it is at best a half-truth to say that he rejects such a state. A world state is merely irrelevant to his theme. He explains: "Many nations, however, in one State, would constitute only one nation, which is contradictory to the principle assumed<sup>1</sup>, as we are here considering the Right of Nations in relation to each other, in so far as they constitute different States and are not to be fused into one."<sup>147</sup> Kant hopes that his federation will serve to avert wars without producing the alternative danger of a centralised despotism. We may be sceptical of this. And even in the same essay, he goes on to suggest that the logical end would be a universal republic;<sup>148</sup> an opinion which indeed seems the right conclusion from his other

theories, however whimsical it appeared in 1795.

J.G. Fichte is often regarded (and somewhat regarded himself, though hardly with Kant's approval <sup>149</sup>) as Kant's philosophical disciple, and also as standing midway, not only in rough chronology, between Kant and Hegel. So far as Fichte's perspective on nationalism is concerned, this is true: but hardly in the sense that he developed Kant's ideas and left them to be perfected by Hegel. Rather the reverse. Fichte's original cosmopolitanism, a natural enough acquisition from the Saxony of his youth, became modified by a type of nationalism. It was left to Hegel to place even more faith in nationalism (developing Kant's principle that antagonism is a means of progress, but leaving aside the concept of an international order that might be an aim of this progress).

Fichte was awakened to nationalism, so Treitschke and others were to say long afterwards, when as a refugee from French invasion he reached sanctuary at Königsberg (the life-long abode of Kant) in November 1806. Treitschke's view was an interested one. Shortly before his flight to Königsberg Fichte had published the first of two Patriotic Dialogues. His winter in exile led to the second. The first dialogue contains this significant sentence: "And everyone who in his own nation is a strong and active patriot is

thereby also a most active world citizen, for the final end of all national culture is always this, that it shall spread itself over all of mankind."<sup>150</sup> In the second dialogue, first published in a Berlin journal in June 1807, is the comment: "It may be that my ideas have found application in another way, but they have not changed."<sup>151</sup> So much for any suggestion that his cosmopolitanism entirely vanished at Königsberg. As early as 1796 he had begun to write upon the ideal state, but he remained aware that there exist more states than one and that none must dominate or obliterate the others.

Indeed it was on this ground that Fichte rejected the idea of a universal monarchy. A universal monarchy, Napoleon being the monarch, seemed already too near. In his famous Addresses to the German Nation, delivered after he returned in 1807 to Berlin, Fichte said: "Only when each people, left to itself, develops and forms itself in accordance with its own peculiar quality... does the manifestation of divinity appear in its true mirror as it ought to be."<sup>152</sup> He hoped for the maintenance of "diverse gradations" among both peoples and persons.

Such a concept does not explain how each nation or individual is to concentrate on its own typical development without frustrating that of its fellows. Kant's idea of an ultimate world order had suggested that sometime, at least,



national antagonisms would be raised to a level at which they would benefit humanity and cause no harm. Kant had foreseen the danger of a flat universal despotism but had decided that a federation might be achieved which would protect differences rather than crush them. Fichte, with Napoleon perhaps too much in his mind, shied from this. Admittedly he called for an association of nations, but his main solution to the problems of how nationalism could develop harmlessly seems to have been the advocacy, for Germany at least, of a closed commercial state. Even if not an impracticable answer, it was an inadequate one. Isolationism is a solution which ignores both the fact and the function of antagonism and allows no benefit to humanity as a whole from the perfection of separate excellences by the various peoples. It hardly accords with Fichte's belief that national culture must spread itself over mankind.

Fichte's views on nationality are in this way less complete than Kant's. But at all events his nationalism (which we meet again in Mazzini) is not one of domination but one of resistance to domination. If he encouraged national assertiveness he encouraged it as a means not to aggression but merely to national self-preservation. If isolationism had been impossible, he would more probably have advocated a federation than have urged on Prussia the alternative, world-dominion, that he already feared from France. He does not, for instance (despite his pleas to

accompany the Prussian troops as an orator, in 1806 and 1813) glorify war. His ideal of patriotism was essentially cultural. It led him at times to ascribe a superiority to all things German. Individualism is perhaps always liable to this descent into egotism, indeed to a limited extent self-righteousness might be called a pre-condition of individualism, on the part of nations as of persons.

All Fichte seeks is that the state, with its own special character, shall be secure. Understandably his chief prescription for the attainment of security is insularity. But with the exception of one argument (his belief that the German language and literature would cease to live if they no longer belonged to a politically independent community<sup>153</sup>) there seems to be nothing in his views which would rule out the possibility that a world state might sometime be the best hope of securing, rather than abolishing, national peculiarities.

Before making the usual connection between Fichte and Hegel let us glance ahead and note the equally clear debt that is owed to Fichte by an un-Hegelian politician, if politician is the right word, Mazzini. Mazzini, born in 1805 (the same year as Tocqueville in France, a year before J.S. Mill in England, two and half years before Fichte commenced his Addresses in the winter of 1807 in Germany) brings to mind Fichte as much in his type of nationalism as in some

other aspects of his outlook (e.g. his strong emphasis on duty rather than happiness). Like Fichte he started as a cosmopolitan, and like Fichte he came to believe that true cosmopolitanism implied nationalism. Probably the two men are hardly comparable as philosophers, but their approach to practical politics appears much the same. Mazzini illustrates again the sort of nationalism which aims at opposing domination, rather than at dominating.

It takes the almost inevitable flavour, if not of aggression, of egotism. The unity of mankind, Mazzini tells the Italians, can only be given to it "by your country, by you.... From the Rome of the Caesars went forth that unity of civilization imposed upon Europe by Force; from the Rome of the popes was given that unity of civilization imposed upon the human race by Authority; from the Rome of the people --- when you, Italians, shall be worthier than now you are --- will proceed a unity of civilization freely accepted by the common consent of the peoples."<sup>154</sup> That he sought a unity of mankind there is no doubt. "To what purpose do you profess to believe in that unity of the human race which is the necessary consequence of the unity of God, if you do not strive to verify it by destroying the arbitrary divisions and enmities that still separate the different tribes of humanity?"<sup>155</sup> Whether he may be said to have reconciled this cosmopolitanism with his nationalism, merely by speaking of a unity of humanity that will be freely

accepted by the peoples, is another question. The Europe of the peoples would be one, "avoiding alike the anarchy of absolute independence and the centralization of conquest."<sup>156</sup> This is a satisfactory ideal. Mazzini seems to leave its exact means of attainment unexplained. He envisages "the future reorganization of Europe in national unities, possibly intermixed with free Confederations, protected in their independence, and forming a barrier against collisions."<sup>157</sup> This is as far as Mazzini's, or Fichte's, type of cosmopolitanism seems to take us.

If Mazzini was Fichte's disciple as regards his concept of nationalism, the influence of Kant and Fichte in other respects is found, of course, outstandingly in Hegel and in later members of the so-called idealist school. Here we reach what can be considered a development of Rousseau's collectivism, just as the work of Tocqueville and Mill can be regarded with some excuse as being in the tradition of the individualist Locke. If it is possible to envisage the application of Rousseau's own doctrines to an unlimited community, what of those of his nineteenth-century successors?

In his Philosophy of Right Hegel observes: "The nation state is mind in its substantive rationality and immediate actuality and is therefore the absolute power on earth. It follows that every state is sovereign and autonomous against its neighbours."<sup>158</sup> From this and other observations <sup>159</sup> one



might well say that Hegel was antipathetic to any form of internationalism. On the other hand his support for the nation-state is bound up with the nature of his idealism, i.e. with the idealising of the political community as he finds it. Once an unlimited community had actually been set up, it might not have been very difficult for Hegel to adapt his theories to suit it. He speaks constantly of 'the state' as though there is one state only, and although he is certainly reckoning with one state among many, much of his political theory would be not less tenable if there were, indeed, only one state to idealise.

A stumbling-block is formed, however, by Hegel's utterances upon war. He regards the state as an individual and declares that "Individuality is awareness of one's existence as a unit in sharp distinction from others."<sup>160</sup> And on the basis of Hegel's dialectic the state's individuality seems to depend, also, on its being able to oppose itself to other states. What form is this opposition to take? "Perpetual peace is often advocated as an ideal towards which humanity should strive. With that end in view, Kant proposed a league of monarchs to adjust differences between states, and the Holy Alliance was meant to be a league of much the same kind. But the state is an individual, and individuality essentially implies negation. Hence even if a number of states make themselves into a family, this group as an individual must engender an opposite and create an enemy."<sup>161</sup>



From this reference to enmity in direct connection with Kant's project for peace, it appears that Hegel believes the only satisfactory form of competition between states --- the only sort of conflict which can confer upon the states involved the desired condition of individuality --- to be one of actual or potential war. Peaceful competition, e.g. between states which have surrendered their ultimate sovereignty to some world-wide power, would apparently not satisfy him. "War has the higher significance that by its agency, as I have remarked elsewhere, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so also corruption in nations would be the product of prolonged, let alone 'perpetual', peace."<sup>162</sup>

The opinion that individuality implies negation is a vulnerable one. (Does the work of a dentist conflict with that of a doctor?) It is arguable that individuality need imply nothing more than difference. Even if this be granted, Hegel could admittedly say that a world state, on his view, would not be an individual. Given his conception of individuality, his doctrines might best be adapted to the unlimited community in some way that would try to allow the member states to remain individuals but, through a federative system, would rob them of the power to express their

individuality on the plane of arms. As we have just seen, even this would represent a definite change in Hegelian theory, for whether or not Hegel glorified war, he proposed no means of avoiding it. (As Professor T.M. Knox has commented in a discussion with E.F. Carritt: "'Hegel thinks war necessary and the attempt to abolish it silly.' To this assertion I raise no objections...."<sup>163</sup>)

It is interesting that in advancing the not unfamiliar argument that perpetual peace would mean stagnation, Hegel does not seem to mean that competition would be stifled by uniformity. He believes that there would be a stagnation of all the separate individualities, not a fusion of them. "In peace civil life continually expands; all its departments wall themselves in, and in the long run men stagnate. Their idiosyncracies become continually more fixed and ossified. But for health the unity of the body is required, and if its parts harden themselves into exclusiveness, that is death."<sup>164</sup> This again suggests that for Hegel the only sufficient competition is war. But it also tends to support our contention that, given a need to change that particular view, Hegel could have reconciled himself to a federation of nations: for he apparently believes not that world peace will suppress the existing individuality of states, but only that it will hinder their interaction and so their best development.

Following Hegelianism into England in the late nineteenth century (a time when Hegel's works are said to have had little vogue in Germany and to have been allowed to go out of print) we come, still broadly in a Rousseau tradition, to T.H. Green and the other British 'idealists'. (Hobhouse brings forward a pithy definition of their brand of idealism as one which instead of seeking to realise the ideal, idealises the real.<sup>165</sup> Clearly the term idealist can be just as well applied to people of the opposite turn of mind, and in everyday life it is more often so applied.) The British idealists were not solely political philosophers but like Fichte and Hegel they took politics in their stride. Despite their considerable differences they are justly called a school, with Green, Bernard Bosanquet and F.H. Bradley (the latter rather less a political philosopher) among its most distinguished scholars. D.G. Ritchie, although he was of the same circle and may be pictured against a characteristic physical backcloth of the idealists ("the Broad and the Turl wreathed in Scottish mist") is a more doubtful member. It may be significant that it was Ritchie who wrote a paper on "The Ideal of a World State" and who explicitly advocated a federation, on something like the Kantian model.

T.H.Green, for his part, does not quite reject outright the idea of an international authority. Unlike Hegel, he is not willing to countenance war merely on the ground that war may produce an ultimate good whatever the intentions of the

warring parties. "If nothing is to be accounted wrong-doing through which final good is wrought, we must give up either the idea of there being such a thing as wrong-doing, or the idea of there being such a thing as final good."<sup>166</sup> There is nothing in the organisation of a state that makes war necessary: war results not from the organisation of a state, but from that organisation's defects. "The wrong, therefore, which results to human society from conflicts between states cannot be condoned on the ground that it is a necessary incident of the existence of states. The wrong cannot be held to be lost in a higher right, which attaches to the maintenance of the state as the institution through which alone the freedom of man is realised."<sup>167</sup> At the same time Green sees some cogency in the view that the establishment of an international authority would mean an extinction of the life of individual states, a result undesirable and for that matter unattainable: the view that "Projects of perpetual peace, to be logical, must be projects of all-embracing empire."<sup>168</sup>

He reconciles his two attitudes --- his rejection of war, and his distrust of a supranational authority --- in a manner that Bosanquet favoured also. State governments, Green considers, must become purely representative of their respective peoples, so that they will have no dynastic motives for embroiling themselves with each other. This accomplished, "there seems to be no reason why they should not arrive at a passionless impartiality in dealing with

each other, which would be beyond the reach of the individual in defending his own cause against another."<sup>169</sup> Green rather detracts from the effect of this by suggesting that when national jealousies have abated, an international court, "with authority resting on the consent of independent states", might be useful to deal with difficulties that still remained.

In saying that states can reach a "passionless impartiality" such as is beyond the reach of individual human beings, Green incidentally defends himself in advance against one of L.T. Hobhouse's arguments in that famous broadside against the idealists, The Metaphysical Theory of the State. Hobhouse points out that Bosanquet, in Social and International Ideals, devotes a whole chapter to this argument that if each state will reform itself there will be no more wars. "As a remedy for war," Hobhouse comments, "this is a little like the proposal that each man should reform himself as a remedy for social injustice."<sup>170</sup> We may regret that Bosanquet did not think it worth while to take more notice of Hobhouse's book,<sup>171</sup> for a specific reply to this point would have been interesting. We can, however, learn in more detail from Bosanquet the nature of the "passionless impartiality" of which Green speaks.

Bosanquet says that "Plato indeed laid his finger on the place, though you might criticize his explanation in some particulars." The origin of war is the internal disease



and distraction of states. "Let us think further of this. People who are satisfied do not want to make war; and in a well-organized community people are satisfied. War must arise from the dissatisfied elements in a community; people who have not got what they want within (or have it but are afraid of losing it) and so look for profit or for security in adventures without. War belongs to a state, then, ultimately not in so far as it is a state, but in so far as it is not a state."<sup>172</sup> Would Bosanquet say, one wonders, that every state which 'is' a state must be of equal prosperity with other states? If not, is there not an especial danger that not only some but all elements within some communities will be dissatisfied, and will look for profit in "adventures without"? Is not even a well-organised and satisfied community likely to be anxious about its security so long as there remains a single ill-organised state at large? The idealists' theory on this matter remains as unrealistic as Hobhouse said it was. Its unhelpfulness can be illustrated by reference to the life of Bosanquet himself. "At one time," his wife wrote, "he had no great belief in the possibility of an effective League of Nations, but later on he became a convinced supporter of it, regarding it as the only means of averting renewed disaster, and becoming a member of the League of Nations Union."<sup>173</sup>

To some extent Bosanquet did become an internationalist. And he provides us with one of the most direct approaches

which has been made by a theorist of the Rousseau tradition to the question of an unlimited community. Writing on 'The function of the state in promoting the unity of mankind',<sup>174</sup> he observes that his ideas are his own: "But, to the best of my judgement, they represent the Greek tradition as renewed by Hegel and by English thought." Later he associates himself with Mazzini's doctrine of the individual missions of states; elsewhere, again, he illustrates his ideal of patriotism by reference to Fichte. To a considerable degree he blends the ideas of all the post-Rousseau writers we have so far discussed. In the later period of his life, then, what form did his international sympathies take?

Bosanquet leans heavily on the theory of a general will. In discussing this concept as one fundamental to Rousseau, we dealt separately with the issues (1) whether there is such a will, and (2) whether a means can be found for its expression. In referring to the possible application of Rousseau's ideas to a world community, this separation was maintained. We decided that Rousseau might quite possibly have admitted the feasibility of a general will of the world (distinct from natural law) and also that, in something of the manner in which he proposed means for the expression of the general will in Poland, he might propound methods for its expression in a world state. Let us look at Bosanquet's approach.

In The Philosophical Theory of the State Bosanquet said

that no such identical experience can be supposed in all mankind as is necessary to the exercise of a general will. (We quoted this earlier.<sup>175</sup>) In Social and International Ideals he in no way departs from his emphasis on the general will; taking self-government as the primary question in any problem affecting the state he reiterates the need for a general will, "which involves the existence of an actual community, of such a nature as to share an identical mind and feeling...." This is "the universal condition of legitimate outward authority." But immediately he proceeds: "City-state, Nation-state, Commonwealth, Federation, World-state, it makes no difference."<sup>176</sup> Then is a general will of the world conceivable? Bosanquet is reluctant to envisage one, but he seems less dogmatic than before. "But I do not suggest that larger units than nation-states can never come to fulfil these conditions; only that, if they do, they must have achieved a unity comparable to that which we now experience in nationality alone. I do not say this is impossible to be realised at some remote period even in a world-state."<sup>177</sup>

Why, one begins to ask, is Bosanquet apparently anxious to thrust as far away as possible this chance that there may develop a general will of the world such as, on his own showing, would make a world state a reasonable proposition? Why does he give warmer approval to a 'system' of states

(presumably on the lines that were to be followed by the League of Nations), remarking that there is no need for an explicit federation? ("Those who think federation necessary for the sake of a central force, obviously believe in force rather than friendship. But without friendship the force is dangerous, and with it, perhaps, hardly necessary."<sup>178</sup>) Bosanquet sounds doubtful about his arguments, yet firm in his distrust of an unlimited community.

An explanation emerges. It is crystallised in the second half of the following sentence: "The organism of humanity, though conceivable, is at present as we saw a mere possibility, and the idea of it contains a serious contradiction between quality and totality."<sup>179</sup> And later: "The opposite ideal, that of a world state, is, of course conceivable. The point of interest is, I think, whether the identification of spirit and experience necessary as the basis of a general will could be achieved without the sacrifice of the valuable individual qualities of national minds."<sup>180</sup>

This point of interest is no small one. It is different from the objections to a world community which we decided might have been made by Hegel. Neither does there appear to be any precedent for it in Rousseau. Certainly Rousseau did not treat of a world community, but he dealt at some length with the general will and it is a cherished dogma of his that the general will represents the best will of every



citizen. How then could any true general will sacrifice any "valuable individual qualities", either of national minds or individual ones? Everything that was of value would presumably be incorporated in, and preserved by, the general will of the world. Surely the fact is that Bosanquet, influenced by the concept of antagonism between nations as a means to progress --- a doctrine common in one way or another to Kant, Fichte and Hegel --- has brought a new strand into Rousseauesque political theory. To claim that 'the state' is an individual is one thing; to stress that the good of humanity demands that different such individuals should be in conflict with each other is another. Bosanquet has accepted so much of the latter thesis that the prospect of a world state puts him in a serious dilemma. Either he must abide by Rousseau and accept that (once a world general will became possible) the world's general will would embrace all diversities useful to humanity, or else he must at this stage abandon his reliance on general will theory: in which case we may very well ask whether a general will does not already contain in a nation state the same "contradiction between quality and totality" that it would contain in a world state.

Bosanquet, we may think, sees looming ahead of him a disproof (in terms of his own beliefs) of the whole theory



of the general will. He avoids shipwreck by steering back to the nation state.

Other successors of Hegel fared differently. On one hand Marx, it might be said, had arrived at a form of internationalism; on another Treitschke represented the full development (or debasement) of Fichte's and Hegel's nationalism.

Among late nineteenth century militant nationalists Treitschke is conspicuous. But his tendency metaphorically to don the pickelhaube distracts full attention from his not quite fanatical theories. For instance he is said (with plausibility) to have glorified war, but even this is contestable. At one point, certainly, we find him saying that "the God above us will see to it that war shall return again a terrible medicine for mankind diseased."<sup>181</sup> A.J. Balfour, in his introduction (published during the first world war) to a translation of Treitschke's Politics, deals caustically with this, as well he might. But Treitschke does go on to admit that wars impose increasing burdens, and even that mankind has a natural horror of bloodshed. Therefore "it is not denied that the progress of culture must make wars both shorter and rarer, for with every step it renders men's lives more harmonious." But as to wars ceasing altogether, "They neither can nor should, so long as the State is sovereign and stands among its peers."<sup>182</sup> Then is it

envisaged that the state will cease to be sovereign and to stand among peers? Unfortunately for anyone who would like to think that Treitschke does not even condone (as distinct from glorify) war, it is not.

Treitschke may not himself quite deify the state (he refers to Hegel, incidentally, as deifying it<sup>183</sup>) but he does award it a personality, and says: "Treat the State as a person, and the necessary and rational multiplicity of States follows. Just as in individual life the ego implies<sup>184</sup> the existence of the non-ego, so it does in the State." The chief duties of every state, he says, are war and the administration of justice; these duties are only conceivable where there is a plurality of states. (One wonders in what way the administration of justice in a world state is inconceivable.) "Thus the idea of one universal empire is odious --- the ideal of a State co-extensive with humanity is no ideal at all. In a single State the whole range of culture could never be fully spanned; no single people could unite the virtues of aristocracy and democracy...." Treitschke breaks into fine imagery in support of this declaration, painting a picture that Fichte, or Bosanquet, could easily have approved. "The rays of the Divine light are manifested, broken by countless facets among the separate peoples, each one exhibiting another picture and another idea of the whole. Every people has a right to believe that certain attributes

of the Divine reason are exhibited in it to their fullest perfection. No people ever attains to national consciousness without overrating itself."<sup>185</sup>

Given that this is true, cannot one say much the same of every individual? Treitschke does suggest the comparison, immediately prior to the sentences just quoted. "All nations, like all individuals, have their limitations, but it is exactly in the abundance of these limited qualities that the genius of humanity is exhibited." Individuals, we may wish to remind him, sometimes find that peaceful co-existence within the state may develop their qualities, rather than crush them. Cannot nations usefully co-exist under one authority to the same end? From our point of view it is here, above all, that Treitschke's theory shows its limitations. The limitations can be exaggerated; Treitschke tends in any case to be inconsistent. He demands that separate states must retain their sovereignty and accordingly he does not regard war as a prime evil. Yet at one point he envisages a voluntary 'restriction' upon sovereignty, and an international harmony; "we see at once that it cannot be the destiny of mankind to form a single State, but that the ideal towards which we strike is a harmonious comity of nations, who, concluding treaties of their own free will, admit restrictions upon their sovereignty without abrogating it."<sup>186</sup> For a militant nationalist this view is quite a long one. It is a

pity that it can hardly be reconciled with the statement that while states remain sovereign, wars should not altogether cease. Even though states of their own free will 'admit restrictions' upon their sovereignty, one imagines that Treitschke intends them to remain ultimately 'sovereign states'.

Karl Marx, by contrast, had of course been primarily concerned neither with nationalism nor with internationalism. He may be described as an incidental internationalist, but even this is not to be taken for granted. It is a well-known point in Marx's theory that ultimately, in the classless society, the state will wither away. This doctrine is what might be expected, since Marx sees the 'state' as an instrument of class domination: but that interpretation of the word makes it unsafe to conclude that he necessarily expects nationality (even in the political sense) to fade away too. And allowing that it may do so ultimately, what of the two transition periods --- the periods in which first, the bourgeois states are said to be overthrown, and secondly, the resulting proletarian states begin to wither? While bourgeois and proletarian states exist side by side, there would seem to be scope for argument as to whether on Marx's premises some form of nationalism and insularity, of a defensive kind, is not necessary to the proletarian states both for the



protection of the revolution within them and for its encouragement elsewhere --- on the supposition that unless and until the revolution is world-wide, the withering away of even a proletarian state will be hindered.

However this may be, Marx and Engels express disapproval of conflicts between the peoples. The Communist Manifesto says that "National differences and antagonisms between peoples are daily more and more vanishing, owing to the development of the bourgeoisie, to freedom of commerce, to the world market, to uniformity in the mode of production and in the conditions of life corresponding thereto"; and it immediately proceeds: "The supremacy of the proletariat will cause them to vanish still faster." Exploitation between nations is to end at the same time as exploitation between individuals. "In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end."<sup>187</sup> It remains possible to contend that Marx and Engels do not foresee the disappearance of all national distinctions and peculiarities, but only of invidious ones, and that a uniform economic system does not preclude variety in other ways.<sup>188</sup> At least they would have been unlikely to maintain that their theories were without relevance to an unlimited community, however much they may fall short of insisting upon such a community.



### Theorists of the Locke tradition

So much for some outstanding modern writers mainly of the Rousseau tradition, and their varying attitudes to an unlimited community. On the other side, that of the liberal or individualist or broadly Lockean school, there is less to say. But writers who place a high value on individual freedom within the state (and who do so without inventing any new interpretation of the word 'freedom') have steadily tended to be more sympathetic than collectivists to the ideal of a world community. We shall suggest a reason for this shortly.

A word initially on Jeremy Bentham. Bentham rather strikes the eye of anyone contemplating the unlimited community, if only because he coined the word 'international' and because, like Kant (of whom as a person he somewhat reminds us) he evolved a plan for perpetual peace. Bentham invents the term 'international' jurisprudence on the ground that the usual description, 'law of nations', is ambiguous: i.e. can be understood to mean internal laws, rather than those governing the behaviour of states towards each other.<sup>189</sup> He is not proposing a new kind of law enforced by an international body.

Beginning his essay on the objects of international law, Bentham asks: "If a citizen of the world had to prepare an

universal international code, what would he propose to himself as his object? It would be the common and equal utility of all nations: this would be his inclination and his duty."<sup>190</sup> To nations as well as individuals he seems to have applied the "greatest happiness" principle. His plans for the avoidance of war include a confederation of nations and international arbitration. He wishes also to see a universal language, founded on English. If his proposals have an arid air, they are none the less admirably sensible. Bentham had the virtues as well as the limitations of a legalistic mind, but his theories are not very important for us here.

Let us move to Tocqueville, who, although one of his major works was published only three years after Bentham died, brings us to another world. Even more than his friend Mill, whom he greatly influenced, Tocqueville was a prophet and critic of completely exceptional insight. He is the first, and still the greatest, political philosopher of the modern democratic era. It can be said at once that he does not forecast the development of a world state, but then that would have been a theme rather far removed from his basic study, Democracy in America.

Tocqueville is in the Lockean tradition primarily in that he stands, as Locke is generally agreed to have done,

for a maximum of individual freedom. Foreseeing the growth of an ever-greater uniformity, he fears an intangible oppression exercised over men's souls and minds. He is dealing with a kind of society which Locke and Rousseau could hardly have imagined (though we quoted earlier some of Rousseau's comments on conformity, which are not without relevance to Tocqueville's views). 'Democracy', as Tocqueville used the word, meant much more than a political system; it was a new society, a new way of life, towards which the world was destined to move. The tendency was not to be challenged. But Tocqueville believed that by diminishing some people's enthusiasm for democracy, and other people's terror of it, he could do something to see that "society could advance more peacefully toward the necessary accomplishment of its destiny. There you have the idée mère of the work, the idea which links all the other ideas into a single system."<sup>191</sup>

Because the dangers which Tocqueville envisaged were not merely political, it would be too much to suppose that much could be done to guard against them by either limiting or increasing the size of the political community. Tocqueville did believe, however, that something could be done. "If none but small nations existed, I do not doubt that mankind would be more happy and more free; but the existence of great nations is unavoidable."<sup>192</sup> What was the best solution? Tocqueville was favourably impressed by the American system,

federalism. (Incidentally he appears not to distinguish between a federation and a confederation; perhaps this is the reason he thinks a new word is needed to describe "a state of things which must be styled an incomplete national government....":<sup>193</sup> i.e., like the American government.) At the present day he would be more than likely, arguing from necessity, to advocate the development of the unlimited community.

But he would be aware of the way in which such a community could intensify the dangers he feared. "It has been observed... that the intensity of human passions is heightened, not only by the importance of the end which they propose to attain, but by the multitude of individuals who are animated by them at the same time."<sup>194</sup> A world state would surely accelerate the removal of diversity, of which he remarked: "The Middle Ages were a period when everything was broken up; when each people, each province, each city, and each family had a strong tendency to maintain its distinct individuality. At the present time an opposite tendency seems to prevail, and the nations seem to be advancing to unity.... The consequence is that there is less difference, at the present day, between the Europeans and their descendants in the New World than there was between certain towns in the thirteenth century which were only separated by a river."<sup>195</sup> The importance for Tocqueville of any acceleration of this tendency — in view of his belief that freedom is most in danger in a



uniform or equalitarian society — is obvious.

There is every reason to suppose that John Stuart Mill would approach the unlimited community with the same mixture of approval and distrust. In the first place, he has nothing against a greater union as such. In Representative Government he remarks: "Whatever really tends to the admixture of nationalities, and the blending of their attributes and peculiarities in a common union, is a benefit to the human race. Not by extinguishing types, of which, in these cases, sufficient examples are sure to remain, but by softening their extreme forms, and filling up the intervals between them."<sup>196</sup> In a letter written in 1871 he said of the idea of a United States of Europe that "there can be no advanced philanthropist who does not look forward to something of the kind as the ultimate result of human improvement."<sup>197</sup> In the second place, on the other hand, Mill was no advocate of any kind of union at all costs. He observes at one point, "Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist."<sup>198</sup> This is reminiscent of Rousseau's postulate of a general will, and we may think that in

circumstances where national divisions create acute dangers for all parties, it is sufficiently satisfied.

Mill, like Tocqueville, looks with favour on federalism, and like Tocqueville he thinks it must be sought in its American form, whereby federal laws are obeyed by each citizen individually and are enforced by the federal power. Not, in other words, a mere confederation. And, "The usual remedies between nations, war and diplomacy, being precluded by the federal union, it is necessary that a judicial remedy should supply their place. The Supreme Court of the Federation dispenses international law, and is the first great example of what is now one of the most prominent wants of civilised society, a real International Tribunal."<sup>199</sup>

In sum, "When the conditions exist for the formation of efficient and durable Federal Unions, the multiplication of them is always a benefit to the world."<sup>200</sup> A centralised authority does not necessarily, on Mill's view, entail the abolition of national diversities or of individual liberties.

The other nineteenth-century figure we are going to classify as in the Lockean tradition, Lord Acton, went much further. To him, "the theory of nationality" was an enemy of the individuality and freedom for which, like Tocqueville and Mill, he stood. But the theory of nationality, in this sense, was something which he associated with the

concept of the general will. It was a theory of unity, of unity at all costs, unity interpreted as something like uniformity. In short, the theory of nationality which Acton was setting up for attack was one which, on his view, sought to subject each man to a government which would be more absolute than was possible in a multi-racial society.

In his well-known essay on 'Nationality', therefore, written when he was 28, Acton set out his fundamental argument on the matter: "Private rights, which are sacrificed to the unity, are preserved by the union of nations." ... "The presence of different nations under the same sovereignty is similar in its effect to the independence of the Church in the State. It provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving to the subject the restraint and support of a combined opinion."<sup>201</sup> Acton also contends, reasonably enough, that the presence in a state of diverse races will act as a barrier to the government's intrusion beyond the political sphere into social matters. From another angle, it is desirable as a means to the improvement of the races themselves. "It is in the cauldron of the State that the fusion takes place by which the vigour, the knowledge, and the capacity of one portion of mankind may be communicated to another."<sup>202</sup>

We may wonder, nevertheless, whether the union of races does not carry disadvantages, on which Acton does not dwell. Is not their separate existence a safeguard --- from the viewpoint of humanity as a whole --- of that diversity which, from the viewpoint of each separate state, can only be provided by their amalgamation? Acton does say that "A State may in course of time produce a nationality...." He also remarks of states that "Those in which no mixture of races has occurred are imperfect; and those in which its effects have disappeared are decrepit."<sup>203</sup> (My italics.) The question arises whether an unlimited community which had in this manner become decrepit could in any way be rejuvenated, in the absence of fresh races which it could absorb. There appears to be no direct help here from Lord Acton.

Why, in fact, are not such men as Tocqueville, Mill and Acton more preoccupied with the utility of national barriers as an encouragement to diversity in the world as a whole?

Perhaps one reason is that those writers whose theories start from an emphasis on individuality at the personal level --- instead of starting from a collectivist theory of the state and only stressing the need for human diversity at an inter-state level, i.e., "group" individuality --- have a particular reluctance to let competition between



individual states take the form of war. For the rough arbitration of war is likely to be even more unjust to numerous individual citizens than to their communities. Also, the liberal thinker does not believe a rejection of state authority to be implied by the maintenance of diversities between persons, and it is therefore easier for him than for the collectivist to imagine national diversities being preserved in a world state: especially since he might not mind if the preservation of all human differences came to depend more upon private choice than upon state tradition.

At the same time, a thorough-going collectivist has no greater reason to oppose the unlimited community as such than has an individualist. A writer like Bosanquet distrusts it only because he sees where his own theories may take him if they are applied on a world scale. Part of the inspiration of his collectivism has been a patriotic sympathy which clearly, in the sphere of inter-state politics, inspires the opposite feeling: one of national 'individualism'. Such a theorist is an illustration in himself of the absence of a world patriotism (if one likes, of a world general will) that would take precedence over state patriotism. Given a primary loyalty to the world community, his political philosophy could be transferred to that community.

In fact our short review of some writers since Locke and Rousseau brings us to the same conclusion that we drew from those two modern father-figures themselves. The two great mainstreams of political thought have flowed erratically in time through polis and through nation. Sometimes they have seemed to be close together but generally they have been distinguishable. Neither stream is likely to yield itself to the other as they cross the chronological border of a universal state.

## 5. THE REVISION OF TERMINOLOGY

One of the plainest conclusions from any review of the political theories of the past is that they would be easier to compare, and even to reconcile, if they were expressed in a common terminology. If political philosophy is to have an honest rôle in the unlimited community it will be important to try to establish a terminology which, if not inflexible, will at least be more standardised than that used by Locke and Rousseau. So far as can be managed, separate concepts must at last be given separate and agreed names. We shall suggest here a few major definitions, making a start with 'power' and 'right' (positive right, the right to command).

### Power, Right, Authority

Political theorists usually try to devise means of concentrating power and right in the same hands. Both Rousseau and Locke attempted this. Rousseau did so sweepingly and vaguely; he decided that right rested with

the whole people and he tried to equip them with effective power. Locke did so more cautiously; he concluded that right rested with the whole people under God, and that power, if not usually exercised by them, was conferred by them and might be resumed by them if a government broke the trust they had placed in it.

Not many people would say that power and right do inevitably go together. A man carrying a revolver whom one meets in the street has power over one: he can force one, unless one thinks it worth while to jeopardise one's life, to hand him a purse or wallet. Has he any sort of right? He has the 'right' of the strongest and if this is a valid right then the usurper of a throne becomes the 'rightful' ruler the moment his supremacy is established. Recognition of this sort of right clearly makes for utter instability; anyone who wishes to have any control over his own life must then engage ceaselessly in a trial of strength. There arises a condition of general war. And it is the very object of the political society to replace such a condition of war by one of co-operation. (We can think, if we wish, that men drew up a social contract to make explicit this aim.) Nevertheless what we must primarily insist upon is not a denial that power can ever produce right, but merely an admission that the two things, power and right, are intrinsically different.

The concept of power is at the centre of political study.<sup>204</sup>



A writer says of it typically enough: "A political community, unlike other societies, cannot realise its being and perform its functions, especially those of maintaining order and of punishing crime, without possession of power and physical force."<sup>205</sup> Power and physical force? It might be argued that the distinction is necessary because a leader, say a priest, may exercise power over his followers though he has no physical force at his disposal. If a man admits another's 'right' --- moral or legal --- to be obeyed on a certain point, then the second man, it might be said, automatically has power. This is a confusion. No outside power is being exercised upon the first individual. He chooses to obey for some reason of his own, such as that he recognises the second man as the legitimate representative of a moral or legal order to which he considers that he himself also owes allegiance. It is perfectly true that this attitude on the part of the man who obeys confers independent power upon the man who gives the order --- but only in relation to some third party, who is confronted by the fact that the man giving the order has a follower who may help to enforce it. From the viewpoint of the third party the man giving the order has then power, whether or not he also has right.

Some forces, such as that of public opinion, are not perhaps to be described as physical force, though in all ways they shade into it. We are free to call them 'non-

physical force', but force in some sense they are, and are properly described as 'power'. A threat of force which has to be taken seriously is reasonably described as force.

Our interpretation of these words is not that of Mr. T. D. Weldon, who has written: "Power is quite a different thing from strength or force. It is not even legalised force, though legality is an element in it. Power is more accurately the control of force authorised by consent.... For power used irresponsibly is no longer power. It is simply force, which may command obedience, but not respect."<sup>206</sup> Mr. Weldon's interpretation of power seems to be one of 'force plus right': a specialised right, formed by consent. Our own interpretation is simply that of force, of one kind or another. The word 'power' carries no overtones of 'right' or 'legality'. Speaking socially and politically (in a general way, power means merely the ability to produce an intended result) power implies the means to compel, with hardship as the alternative to submission. Power is Might.<sup>207</sup>

Just as power can exist as a fact without possessing any element of 'right', so Right, the foundation of authority, can exist without having any connection with political power. It is indeed because these things can exist independently of each other that an absolute distinction needs to be made between words which denote one, words which denote the other, and words

which cover both.

Suppose we say that a magistrates' court in Britain has a 'right' to try a certain type of case. We may be alluding to a moral or legal right which that court possesses, or we may loosely be referring to the fact that it has power to try such a case: to the fact that the government of the country, in the last resort, will lend its power to the magistrates' court in defence of the court's right. To use the word 'right' in this second sense is very natural, just as it is natural for lawyers to use the word 'power' when they mean 'legal right'. But it is strictly erroneous. What we wish to say is that the court has right, or that it has power, or that it has both right and power. Perhaps we have been led into confusion by the fact that in Britain acknowledged right and de facto power have for long gone together.

A distinction is reasonably to be made between moral right and legal right; but it is not of the first importance. Suppose, for example, that a governor issues an order which we think contravenes natural law, but which is in accordance with the law of the land. Has he 'right' on his side? Disregarding whatever power he may possess, should he be obeyed? The distinction between moral and legal right, though valid, is seen to be not fundamental. Whether we recognise both the natural and the written law or only one of them, we must believe in the end either that the man has a 'right' to have

his order obeyed, or that he has not.

'Right' is in fact something the existence of which, in any given case, must be accepted or rejected by each individual. If a government makes an order, it is for the individual to decide whether he accepts the government as legitimate and its order as 'legal', and also, if he believes in the superiority of a moral law, whether he accepts the government's order as not contravening that law. (And if he does not, whether he thinks the order is so seriously unethical and important as to justify him in departing from the normal duty of obeying the government's commands.)

There is no valid distinction between authority and active right. Just as there are moral and legal rights, so there is moral and legal authority: and either sort of authority may exist divorced from power. Perhaps this is least true if we imagine a country that has no legal code whatever. The whims of its ruler are, and have always been, its only recognised laws. Command is then law, and power carries with it legal authority, in so far as that may be said to exist. And if it is decided that there is no such thing as moral authority, then in that country 'might' constitutes right and authority in all senses. But once depart from these stringent conditions --- once accept that the fact of a man's holding a gun does not give him legal



authority over another, or that even if it does, there still exists a moral authority which is not to be so conferred --- and it becomes clear that power is not synonymous with right and authority.<sup>208</sup>

Again, as with right, in the last resort either moral or legal authority must be deemed superior. To say this is not to say that it is a mistake to use the word 'authority' in its common sense. A schoolmaster may have authority, at least legally, to order a boy to do homework; but it might be said that he has no authority, at least morally, to order a boy to commit murder. It is nevertheless perfectly reasonable in everyday speech to say that the master 'has authority' over the boy. Only if the master does order the boy to commit some crime, and expects obedience on the ground of his 'authority', does it become important for the boy to have a clear idea of the facts that authority takes varying and sometimes conflicting forms, that the affected individual must finally decide for himself where it lies, and that the decision, particularly for those who credit the existence of a moral law that may override a written one, cannot always be made by reference to a book of rules.

### Sovereignty

One's view of the term 'sovereignty' is probably crucial.

It is a word commonly used to imply a mixture of authority and power. At its most inclusive it has been used to mean supreme right plus supreme power. Perhaps no word in political philosophy has caused more confusion and perhaps none more harm. It will be our contention here that 'sovereignty' is a word that should mean no more than supreme power --- supreme legally constituted power if that exists, and otherwise supreme power however constituted.

This may appear to be too arbitrary an interpretation of the term. So contradictory and confusing have been previous attempts to define sovereignty that, as Rees pointed out in 1950, "There is a tendency among present-day political theorists to work without the aid of the concept of sovereignty."<sup>209</sup> A still more recent analysis, by Benn,<sup>210</sup> closes with the suggestion that there is a strong case for dropping the word. Laski also thought so.<sup>211</sup> Maritain agrees.<sup>212</sup> But there is a stronger case for not doing so. The disavowal of the term by those who see its ambiguities will not prevent its being invoked, carrying the grand overtones of centuries, by persons who seek a confusion of right with power for their own ends.

Bryce, in a well-known nineteenth century exposition of sovereignty, divides it simply into two categories: legal and de facto.<sup>213</sup> He has a preference for its use in the former sense. An analysis slightly more complex was

made by Ritchie, who recognises three sovereigns rather than two: nominal, legal, political.<sup>214</sup> Ritchie's nominal sovereign may be equated roughly with the de facto sovereign of Bryce; the novelty he introduces is the 'political' sovereign. Since he says that "All ultimate questions of political, as distinct from mere legal, right are questions of might",<sup>215</sup> the distinction between nominal and political sovereigns does not seem fundamental. The sultan who wishes to burn the Koran may be the nominal and legal sovereign; the public that makes it unthinkable for him to burn the Koran (the illustration is Ritchie's) is the political sovereign. But the person or body that really determines the matter is, surely, the de facto sovereign for the purpose. By Bryce's definition the sultan would presumably be the legal sovereign, and the public the de facto sovereign. Is not this an adequate classification?

Rees extends the alternative meanings of sovereignty to half-a-dozen. They are (1) legal, (2) legal plus moral, (3) coercive, (4) socially coercive --- i.e. the force of a majority, (5) influential, (6) any supreme power, authority or influence that is permanent. But he manages in the course of his argument to reduce these sorts of sovereignty to three: by counting together the coercive and socially coercive types and by abandoning the use of the word in his sixth sense (to connote permanence) and in his second sense (to imply supreme

legal authority that is also completely moral). His rejection of this second interpretation of sovereignty is particularly important, for it is of course the interpretation used by Rousseau, and the one which more than any other makes the concept of sovereignty useless in practice. Rees leaves us with the legal, coercive, and influential sovereigns: a classification very similar to Ritchie's and one against which we may bring the same charge of superfluous complexity. The 'influential' sovereign, in so far as it operates by any means of compulsion or intimidation, is part of the 'coercive' sovereign. In so far as it does not so operate, it is a force too intangible to be usefully categorised in political theory.

Something on these lines is said by Benn, who after pointing out that in politics 'influence' means influence with intention (as distinct from the sort of influence implied in the statement "Climate influences vegetation") stresses that "In seeking an influential sovereign... we should be seeking a stable dominant influence over a fairly wide range of political issues." To assign influential sovereignty to 'the majority' will not do. The majority is a different majority on each issue.

We are left then with legal, and with coercive, sovereignty. The former has some degree of right, the latter need not be associated with any right at all. Let us consider



whether it is not reasonable to say that legal sovereignty is a concept less important than sovereignty de facto: that, in fact, right is never more than an accidental accompaniment of sovereignty.

Bryce, for his part, seems not to think it worth while even to consider whether sovereignty may connote ultimate right. "All civilised nations," he finds, "...hold that in the internal affairs of a State, power legally sovereign --- even if the Constitution subjects it to no limitation --- ought to be exercised under those moral restraints which are expected from the enlightened opinion of the best citizens, and which earlier thinkers recognised under the name of Natural Law."<sup>216</sup> And this was indeed the view of Bodin, in his De Republica of 1576. Bodin, as Carlyle says, "is setting out what in later times we should call the theory of the sovereignty of the State. We must, however, be careful to observe that Bodin recognises that there is one immensely important limitation of this absolute power in the State. Supreme power is always subject to the authority of the divine law, of the natural law, and of the law of nations."<sup>217</sup>

In contrast we have the view adopted by Rousseau and some others: that sovereignty means supreme right, which should also exercise supreme power. This view, as we have suggested, renders the whole concept of sovereignty useless. For even Rousseau is unable to provide the individual citizen with a means of ascertaining whether the instructions he

receives actually emanate from the sovereign --- from supreme right, from the general will --- or merely from an imposter, the 'will of all'. This view of sovereignty must be rejected, as it is rejected by Rees. The seat of supreme power can be pragmatically found; the seat of supreme right cannot be so found. Sovereignty then, if it is to mean anything in practice, must centre on power.

To say this is not to deny that supreme power ought, if possible, to be legally constituted before it is termed sovereignty, and so to possess some measure of right. It is to say that because no sovereign has a monopoly of moral right, its possession of even the most indisputable rights at law constitutes no ultimate moral compulsion on an individual. Supreme moral right springs within the individual; sovereignty is essentially something outside him, something with which supreme right may contend.

If we take this view we reject completely those theories of sovereignty which as de Jouvenel says "tend to render subjects obedient by revealing to them a transcendent principle behind the Power they see; this principle, whether God or the People, is armed with an absolute authority."<sup>218</sup> We resolve the conflict which de Jouvenel illustrates by a comparison of Augustine's view (shared by Locke) and Spinoza's (shared in de Jouvenel's view by Rousseau). Spinoza says: 'The sovereign, to whom all is of right allowed, cannot violate the rights of the subjects'.

Augustine says: '...inasmuch as we believe in God and have been summoned to His kingdom, we have been subjected to no man who should seek to destroy the gift of eternal life which God has given us'.

In everyday use, no doubt --- and in a stable civilisation--- the term sovereignty may reasonably continue to cover both power and right. But when serious conflicts arise, it must be interpreted so as to exclude utterly that final authority and right the seat of which is determinable only by the individual.

Is sovereignty indivisible? Bodin thought it was. The theories which award to sovereignty an almost or wholly mystical authority tend to agree with him. On our view, Bodin was mistaken in this. Sovereignty means ultimate power: if we like, ultimate legal power. This ultimate power can be single or collective. If a community has a dictator supreme in all matters, then sovereignty in that community is single. If on the other hand there is in the community a balance of power between, say, parliament and judiciary --- neither having final authority over the other nor even being able, except by mutual consent, to fix the other's sphere of authority --- then sovereignty is divided.<sup>219</sup> Take all the organs possessing ultimate, independent power within a community and, whether these are **one** or many, they constitute together the sovereign power in that community.

Suppose, however, that one of these organs is not confined within the community. A powerful church, for instance, governed by a leader who does not belong to the same state. The term 'sovereign state', certainly, cannot be applied to a state in which at least part of the ultimate power is in the hands of an extra-national body. But sovereignty still exists within the state, as indeed it does everywhere. It is the total expression of supreme, or supreme legal, power in relation to any specified person or group of persons.

The term 'national sovereignty' must unfortunately be left ambiguous. Clearly it can either mean that part of sovereignty within a nation which is in the hands of the nation's own members, or alternatively it can describe the principle of leaving in the hands of the nation's members the sum of sovereignty that is exercised within the nation. Both interpretations are reasonable; if we follow the second then 'national sovereignty' ceases to exist as soon as some part of the nation's functions is taken over by an external body. If we adopt the former interpretation, then 'national sovereignty' is still a meaningful term even when the state retains power only in a very restricted sphere. The second definition is the more misleading, for by declaring that the 'sovereign state' can be wholly sovereign, or not at all sovereign, but



never partly sovereign, it tends by association to revive the fallacy that sovereignty as such is indivisible.

We pointed out in the introduction to this thesis that the word 'state' can itself be defined in two ways. It can denote a certain community, in the same way as the terms 'nation', 'shire', and 'city'; and it can denote whatever power structure, or group of power structures, exists within the community. In a world community this two-fold meaning would remain, whether the term 'state' was used to refer to the whole community and its power-structure, or was still applied to smaller communities and their remaining power-structures, as is the case in the U.S.A.: the term "the union", perhaps, being used to designate the full community and its organisation.

### Natural law, Natural rights

In defining sovereignty we decided to recognise at least the possibility that there is a kind of right which transcends legal right (using the adjective 'legal' to refer to positive law). This superior right, a moral one, must be determined by some moral law. 'Natural law' is the term traditionally used. It would be a difficult one to discard and had better be adhered to if only for that reason. It is not an ideal

term. Among those unacquainted with its accepted use it is as malleable as the description 'the state of nature' --- it can be used to mean its opposite, the law of the jungle. Even within its traditional limits it allows dissension, particularly between those who view it from a religious standpoint and those who do not. For instance, is it to be regarded as the supreme law? If it is thought of as a law discoverable by human reason, it can be held inferior to divine law, at least part of which may be unknowable except by revelation. At the same time natural law cannot on a religious view conflict with divine law; it is embraced by it. In this fact lies one hope for a clarification of the term.

The distinction between natural law and divine law (for those who accept the existence of the latter) must in short be removed. The associations of natural law with ideas of conscience and intuition are far too strong for the term to be acceptable as a definition merely of that part of divine law which is discovered by human 'reason' in the sense of unaided intellect. (Natural law is doubtless the law of 'right' reason, but right reason is more than reason: it is virtually a synonym for truth, and cannot contradict 'right intuition'.) Nor is there any need for a distinction, in political thought, between (a) the supreme law applicable to man's affairs and (b) the supreme law which embraces it and also covers matters of which man knows nothing and with which

he therefore has no direct concern. Natural law may be recognised as having no superior; as being one and the same, for human purposes, ~~as~~<sup>with</sup> any divine law.

What are its other characteristics, besides this one of supremacy?

It may fairly be described as a law which is unwritten. Literally, of course, it may have been written. A Christian, for instance, in quoting Antigone's description "The unwritten and unchanging laws of God", might make the reservation that the 'unwritten' laws are more than hinted at in the scriptures. But they are not written in statute books and case books. The Christian's allegiance to them springs from a discovery that they are in conformity with laws which he first apprehends through another sense than eyesight or hearing; the laws of the Bible derive strength from their claim to be the laws of conscience. We may say then that natural law does not have to be unwritten, but it is one of its distinctions that it is unaffected by being so.

Is it unchanging? Or are there "different laws at Rome and at Athens, or different laws now and in the future"? Cicero's answer is the common one. "True law...is of universal application, unchanging and everlasting....one eternal and unchangeable law will be valid for all nations and all times."<sup>220</sup> This view is not to be disproved by reference to the fact that the law of nature has been invoked, at

different times and among different groups, to champion conflicting ideas. In the first place, the law may have been wrongly stretched to deal in particularities; in the second place, it may have been wrongly interpreted. The fact is that it is impossible to determine, by any pragmatistical test, whether the natural law is unchanging or not, since its dictates are apprehended in the last resort by the individual. It seems reasonable to guess that true 'laws of conscience' do not change, but this cannot be proved. All that can be said is that they form the supremely valid law for any person at any given time.

They form a law which is valid, too, in any circumstances: for example in a state of anarchy. But it would be erroneous to say that in such a condition natural law steps easily into the place of positive law. It is positive law, not natural law, which is characteristically the law of reason (i.e. of intellect), and in circumstances in which such a law is not supplied by the community, it must be supplied by the individual. It remains distinct from natural law, of which it is of course a detailed application. Natural law, then, never renders positive law superfluous. The need for the derivative law is effectively summed up by Solovyov: "The purpose of moral law is that man should live thereby, and man can live only in society. And the existence of society depends not upon the perfection of some, but upon the security



of all. This security is not ensured by the moral law, to which men with predominantly anti-social instincts are deaf, but is safeguarded by the compulsory law perceptible even to them.... Let it be granted that the highest morality (in its ascetic aspect) makes us indifferent to the prospect of being killed, maimed or robbed; but that same morality (on its altruistic side) does not allow us to be indifferent to letting our neighbours become robbers and murderers or being robbed and murdered, or to the danger of destruction to society apart from which an individual cannot live and strive after perfection. Such indifference would be a clear sign of moral death."<sup>221</sup>

The maintenance of this clear distinction between natural and positive law, in any condition of society, does something to lessen the weight of what is perhaps the most potent complaint that can be brought against the concept of natural law: that it makes positive law helpless because as Bentham said it encourages a man, on the ground of conscience, to rise up against any law that he happens to dislike.<sup>222</sup> If the division between natural law and the written laws is kept in sight, the latter are recognisable as fit subjects for adjustment by agreement --- always supposing that their intention, at least, accords with natural law --- and personal resistance to them should seldom be necessary.

Nevertheless the concept of natural law does, in effect,

confer a right of disobedience to a positive law upon any individual who earnestly and conscientiously believes that the positive law in question is morally wrong. The papal encyclical "Mit Brennender Sorge", in 1937, referred in this way to "...the so-called natural law, that is written by the finger of the Creator Himself in the tables of the hearts of men and which can be read on these tables by sound reason not darkened by sin and passion. Every positive law, from whatever lawgiver it may come, can be examined as to its moral implications, and consequently as to its moral authority to bind in conscience, in the light of the commandments of the natural law."<sup>223</sup> Like a supreme commander who demands obedience even though it may involve conflict with his subordinates, natural law calls for unwavering allegiance. And since it is to be read "in the tables of the hearts of men", with each individual must rest the task and the right of deciding when it is his duty to rebel against positive law.

For a brief final summary of natural law, we could do worse than select a definition of Maritain's. If we omit in this his reference to the law's discoverability by human reason, he describes it as "an order <sup>or a</sup> ~~of~~ disposition...according to which the human will must act in order to attune itself to the necessary ends of the human being. The unwritten law, or natural law, is nothing more than that."<sup>224</sup>

Natural law prescribes to the individual his **duties**. Only incidentally does it describe rights. Hence the utility of the related concept of natural rights. It is however quite possible for the natural rights concept to be accepted independently of that of natural law; indeed in some sense to supplant the latter. This is mainly a difference of approach, though by saying that natural rights spring from the natural law we imply that rights derive from duties, whereas by placing natural rights first we seem to suggest that it is the duties which are derivative. It becomes possible in fact to ignore the duties altogether. This change of approach was seen in the eighteenth century. In the words of d'Entrèves, "On the eve of the American and French Revolutions the theory of natural law had been turned into a theory of natural rights."<sup>225</sup>

It is claimed by Ritchie that "Natural rights are not identical with moral rights, because in many cases people have claimed that they had a natural right to do things that were not recognised either by the law of the land or by the prevalent public opinion or by the conscience of the average individual."<sup>226</sup> Ritchie's view of moral right is clear enough, here at least<sup>227</sup> --- he has in fact already said that it demands the assent of, or at least the absence of opposition from, public opinion --- and we shall differ from it and shall suggest that the terms 'natural right' and 'moral right' are

interchangeable. Alike they refer to a right which, whether or not we wish to relate it to natural law, is ultimately determinable only by the individual and rests on no sanction by average opinion.

Rights of this kind are, fairly clearly, best confined to fundamentals. It is true that a man may consider he has a moral right to, say, organise a street procession; but others may disagree with him although fully supporting the principle of the liberty of the subject. "The term 'natural rights' is generally restricted to those of them which are conceived of as more fundamental than others, from which the others may be deduced, or to which the others are only auxiliary."<sup>228</sup> Such rights at their simplest are of the kind laid down in the Declaration of Independence or in the 1789 Declaration of the Rights of Man: the former saying that "among" man's inalienable rights are life, liberty, and the pursuit of happiness; the latter that "the natural and imprescriptible rights of man... are liberty, property, security, and resistance of oppression". One at least even of these basic rights is easily challengeable: the right of property, omitted from the French Declaration. The right of life (also, whether or not significantly, missed out of the French Revolutionary Declaration) is the only one of these rights upon which interpretations could hardly differ. "Liberty" is vague, and endless argument is possible about the conditions



needed for "the pursuit of happiness". It is clear enough that there is little hope of agreement on a precise definition even of the most basic natural rights, still less on their implications.

This fact helps to show that whether the natural right concept is regarded as a derivative of that of natural law or as a substitute for it, its characteristics are those of that law. Natural right must override legal right; one expects that natural rights are unchanging but this cannot be pragmatically proved; natural rights are essentially unwritten and the individual must ultimately define them for himself.

Nevertheless, in view of the importance of this element of individual judgement, it is worth noting that by using natural right as a substitute concept for natural law, we tend to enlarge in one respect the scope of individual duty. Under the natural law theory a man's only duty is to obey that law. Supposing, for example, that he believes natural law to sanction property, he must regard it as his duty not to steal. There is no question here of any duty not to be stolen from. If on the other hand he puts natural right first, his view on property can only be expressed by saying that every man has a right not to be stolen from. The difference in emphasis makes it more likely (though not inevitable) that his resulting idea of personal duty in this

connection will include not only passive refusal to obey any positive law which instructs him to steal, but also active resistance to any infringement of his own right not to be stolen from. The same view may arise from the natural law concept, but only through a lengthier deduction.

Such a difference in emphasis is important. For in the sphere of practical politics the theories of natural law and natural right make no headway except by being translated into power, yet this power can be effective negatively and may not be able otherwise to realise itself. Mrs. Ewart Lewis has recently commented that "In the recognition of insurrection and tyrannicide as rightful sanctions against a ruler, medieval political thought faced and accepted the fact that the ultimate judge of the legality of authority must be the conscience of private individuals."<sup>229</sup> Modern political theory, especially in a world community, might have to 'face and accept' the same fact without having resort to any possibility of insurrection. Indeed except in 'the conscience of private individuals' the longest current of political theory could itself become unknown.

## 6. THE UNLIMITED COMMUNITY

There exists hardly any political theory designed for, or adapted to, the unlimited community. Political science as a study seems in no hurry to bestow patronage on the threatened discipline known as international relations. It continues to suppose that political thought is concerned with the nation state: an assumption comprehensible enough in previous centuries, when to theorise upon a theoretical world-state was plainly a profitless exercise.

But the practical scene has vastly changed. In Sir Stafford Cripps' metaphor, the atomic bomb has telescoped history. Innumerable other factors have helped it to do so. A sober estimate of the present situation is one such as that made in 1953 by G.A. Borgese, one of the world-constitution framers at Chicago in 1948: "At the present stage Zeno the Stoic or Dante the Christian, who 'dreamed' of the World State, are the realists. It is the custodians of the age of nations who are the dreamers --- though no utopians in the vanguard acception of the word, for what they dream is the nightmare of yesternights."<sup>230</sup>

The main impetus towards world community is coming, it may be said, not from theory but from facts, in particular from the fact of a threat to the continued existence of human life on the planet --- a threat which as many believe (i.e. of course, theorise) world union would remove. But at every stage in the process of world unification fact and theory are entangled; the existing political situation affects the character which men wish the unlimited community to have; their aims affect the methods by which unity is achieved; these methods in turn will plainly affect at least the initial character of the world state.

Let us glance first at some of the forces making for world union and then at the alternative ways in which, as a result of some or other of these forces, union seems most likely to come about.

#### Forces making for unity.

First, there is the perennial demand for unity on abstract grounds. In small everyday affairs men do not unite without an ostensible reason for doing so; unity is not an end in itself. But the setting up of a world government has always been, in the eyes of some, an end. To them the search for harmony is the search for unity.



A world government is a necessary symbol of the brotherhood of man. Thus Dante: "Therefore the human race is at its best and most perfect when, so far as its capacity allows, it is most like to God. But mankind is most like to God when it enjoys the highest degree of unity, since He alone is the true ground of unity --- hence it is written: 'Hear, O Israel, the Lord thy God is one.' But mankind is most at one when the whole human race is drawn together into complete unity, which can only happen when it is subordinate to one Prince, as is self-evident."<sup>231</sup>

Dante's view is easily criticised. Mankind may be "most like to God when it enjoys the highest degree of unity", but what sort of unity? Not all unity can be said to have a spiritual value, surely; there exists a false, or mock, unity which commonly finds its expression in a pretended or enforced unanimity and uniformity. Gabriel Marcel, for one, has written especially strongly on this. "We have every reason for believing that the unification of the world, from the moment at which it could be effected at the level and from the point of view of power, would coincide with the world's destruction. If one does not allow oneself to be snared by mere words, one sees very clearly that such a material unification has no relationship at all to the only kind of unity which has spiritual importance, that of hearts and minds."<sup>232</sup> Dante may be over-estimating the extent to which governmental machinery can shape the City of God. The world

community could presumably be ruled by the spirit of Christ or by that of Antichrist.

The abstract argument for unity is, then, dubious. The practical arguments seem stronger, more pressing, and wider in appeal. The nations have become economically interdependent; it is a commonplace that the world shrinks in effective size daily, in the sense that distances are more quickly traversed and that happenings in one part of the globe more and more surely have repercussions in the other parts. Wars are hard to localise and it is clearly possible that a major war with modern weapons would extinguish civilisation as we know it and perhaps end the life of the human race. There is a need for a central authority to co-ordinate national policies and, above all, to ensure peace.

Two sorts of argument can be brought against this practical demand for unity. The first has to do with the probable nature of a world state once established. It might be a tyranny, one may say, and the probability (or even possibility) of a universal tyranny is worse than the possibility (or even probability) of universal destruction. All sorts of perspectives are possible on this. The other argument is that although a supranational government has long been regarded as a means of preventing wars, it would not in fact do so; that it is to be classified with the many chimerical projects for peace of the past. Wars between nations or groups would continue, it is contended;

they would merely have to be renamed civil wars. This is possible. But civil wars only take place when government breaks down, i.e. when government becomes for some reason or other impossible. A government that remains more than nominal prevents war within its territory. Is such an effective government possible on a world scale?

On this point there can be little doubt. Such is the scope of modern weapons that it is possible to envisage a supranational authority which, once established and in control of arms, could keep peace in the world by force alone. The nations may not wish to set up such a government. But in itself it is practicable. The modern ease of transport and communication fully facilitates a world administration and a world police. It is irrelevant here to complain that there is no sufficient 'sense of community': this fact, if it is a fact, only affects the kinds of world state that can be established, perhaps limiting them to one --- a despotism. It is less irrelevant to bring forward the argument that it is man's biological destiny to live in a closed society; this is akin to Marcel's warning that the achievement of world union might coincide with Doomsday. But such warnings are no answer to a conviction that human affairs demand a union.

### Methods of achieving this unity.

There seem to be three highroads to a world community. The most favoured is federalism; the most presently probable (tragically, to speak mildly) seems to be through a conflagration; the most easily accomplished would presumably be through the pacifism of one of the two chief blocs of nations, resulting at worse in absorption and domination by the other bloc.

Federalism differs from both the other methods in that it leads towards a world government which, theoretically at least, will somehow be equably constituted between the nations and will serve moral ends. It is not surprising then that most prophets of the unlimited community favour it, and paint for us the vision of Tennyson, in Locksley Hall, of "the Parliament of Man, the Federation of the world." Indeed some advocates of federation almost seem to have been drawn towards it by a fear that it is the only alternative to world despotism. We have mentioned that such a despotism, in the view of some, would be a worse fate for the world than annihilation. Lionel Curtis, for example, declared in 1948: "I see no other road to a world government, except by creating a world despotism, which, in my view, would be worse than the total destruction of human life on this earth."<sup>233</sup>

This may seem a surprising standpoint --- for have not nation-states outgrown innumerable tyrannies, and is not the



chance of a world state doing likewise enough to justify the purchase of human existence at, if need be, a high material price? --- but it is not an uncommon one. Bertrand Russell, for example, seemed to support it when he said in the same year that he would prefer to a tyranny "all the destruction" involved in war.<sup>234</sup> This, certainly, was before the development of the hydrogen bomb; destruction then held less threat of being total.

Whether or not world federation is the only practicable alternative to despotism, federation as a system does offer, once established, some continuing safeguard of liberty by its separation of powers. Power is at the same time sufficiently centralised to produce a unified state, distinct from the loosely tied group of nations that is called a confederation. (In a confederation, central power derives from local powers; this ceases to be true in a federation, though it is doubtless too much to say that the position is reversed.) So far so good. A world federation would however be not quite comparable with any federation of the past; in addition to the often-posed question of whether sufficient sense of community exists in the world to make federation feasible, it is as well to remember that the security at which world federation aimed would necessarily (if we assume the absence of inter-planetary conflicts) be purely internal: there would so be lacking another of the factors, external danger, that spurred on the federalists of the United States.

The second possible way to world union would appear to lie through a "war", unprecedented in its scope and nature. We may reasonably expect that a disaster of this kind would arouse an urgent determination, not only among any 'victors' but among all men left alive and left or made sane, to see that such occurrences were impossible in the future. In any case it would produce a chaos after which the setting up of a world government, most probably starting as a dictatorship by the strongest party, would be likely to seem a very pedestrian development.

This approach to union has no advocates (one hopes) but some reluctant prophets. Some of these may base their estimate of probabilities on the fact that man often behaves irrationally, or on the fact that integration between states has in the past more often come about by warlike means than otherwise. Or they may be impressed by Arnold Toynbee's examination of the typical circumstances that precede what he chooses to term universal states (not to be identified with the unlimited community, which of course has never existed). Toynbee considers that in every advanced civilisation a universal government becomes the last alternative to chaos. Like Spengler he associates such a government with civilisation's last phase, a process of decay being under way already.

These prognostications may encourage some people, who do not find federalism a practical proposition, to argue that the most practicable alternative to an appalling war

is unilateral pacifism: the third route towards unity that we have mentioned. The pacifist viewpoint is one of which rather less has been heard in the past than might have been expected, particularly since it has, of course, some adherents on purely moral grounds as well as among those who wish to hasten the coming of world government. If it were widely adopted, pacifism would foster the achievement of unity by agreement. If it were adopted only by a minority among the major powers, it might tend to foster unification by conquest. We are speaking of 'national' pacifism --- of pacifism adopted by a national community. 'Individual' pacifism is a distinct matter, though it too could presumably foster world union in one of these two ways, if it became popular.

Leaving aside the ethics of killing, the chief argument brought against the pacifist policy is that it would give rise not only to domination over pacifist powers by other powers, but to domination by the most tyrannical forces, since the will to dominate may well be stronger among these than among non-pacifist but 'liberal' powers. So the pursuit of pacifism amounts, on the face of the matter, to a sacrifice of freedom: a sacrifice which in the opinion of many is too great a price to pay for unity. On the other hand any kind of world government might carry within it a similar possibility of tyranny, and the question arises whether human diversities and freedoms can be maintained without any help from national barriers.

### Unity and Freedom.

One of the normal conditions of freedom, as Humboldt and Mill particularly emphasised, is a diversity of situations. In the past this diversity has been sustained largely by the existence of independent nations. But diversity of this kind is diversity en bloc. It provides humanity as a whole with varying forms of excellence, but it tends to deprive each separate individual of the ability to share in more than some of them. Under nationalism, in other words, human individuality is largely conditioned.

The usual trend of history has been to remove this conditioning: to enlarge each man's scope for personal knowledge and decision. The growth of an unlimited community would accord with such a trend. Human progress in all spheres has contributed to this greater power of choice: in the explorations which have pushed out the limits of knowledge, in the scientific advances that leave man less bonded to the elements, in the curiosity that tries to bring together the progress made in different countries and different fields. But all this progress is not necessarily, as Kant



seemed to hope it was, progress to a higher moral state. As the individual's range of choice increases, he tends to choose less. In a world state, the maintenance of diversity would depend almost too much on each individual citizen. It is in the situation confronting a world-citizen that the Rousseauist and Lockean traditions of political theory reach their ultimate conflict. For it is no longer nations or governments which will choose between the two ideals. The conflict is a conflict within each individual.

The individual can surrender to the community his responsibility for his own beliefs and actions. He can exchange independence for security: and if he can prevail on everyone else to do likewise, his security, for the first time in history, may be absolute. Now if he can convince himself that in doing this he is not sacrificing his ideals to the achievement of security, but is actually taking the true road to the realisation of his ideals, he may believe that he has produced a perfect society. For this state of affairs our own term is False Unity.

False unity provides what in Rousseau's terminology can plausibly be called a general will. Tocqueville first saw it in the making, over a century ago. Truth is sought through (temporal) unity, rather than the reverse. In the process, both truth and true unity may be lost. What some modern writers call the 'mass mind' can quite easily regard

itself as representing a general will. In modern conditions the general will does not necessarily have to search for means of expressing itself; it expresses itself by removing from the human mind, quite intangibly, viewpoints which are not in accordance with its own. This is what Tocqueville was the first great political philosopher to see. The community starts to make choices without realising that it is making them; without realising that it had any alternative course of action. Dissentients are not openly tyrannised over; except as 'lunatics' they do not exist. Vox populi becomes vox dei even to those who repudiate the principle of its doing so; vox populi speaks to them from within, and it speaks as commonsense. While national divisions remain vox populi is suspect, because commonsense is known to speak with different voices in different lands. In the unlimited community it would be one voice, harder than ever to distinguish from conscience. Like Orwell's Winston Smith who came to love Big Brother, the citizen might truly believe, whether he had heard of Rousseau or not, that the general will "cannot err".

The Lockean individualist, in such an environment, might have a curiously discouraging task: that of struggling against a coercion which only himself could see, and of seeking to replace a disspiriting harmony between shadows by a system of non-aggressive individuality which would have the uses but not the drawbacks of the warlike conflicts

of the past. It might seem to him that false unity had in effect crucified truth. It might also seem that, the public conscience having reached such omniscience, there could be little point in the continued existence of human beings as separate entities. One fancies that neither of these reflections would necessarily make our Lockean philosopher pessimistic; and perhaps that a living Jean-Jacques Rousseau would be one of the first to join him, in rejecting the infallibility of the general will of the world.

## NOTES

Except where otherwise stated,  
references are to books (or to  
editions) published in the U.K.



## NOTES

## ('INTRODUCTORY NOTE: TERMINOLOGY')

1. Thomas Gilby, Between Community and Society, 1953, p.73.
2. John D. Mabbott, The State and the Citizen, edn. 1952, pp.84,85.
3. Robert M. MacIver, Society, 1937, p.11.

A fairly similar definition of 'community' seems to be favoured by Louis Wirth, in the paper and discussion on 'World Community, World Society, and World Government: An Attempt at a Clarification of Terms' in The World Community, ed. P. Quincy Wright (U.S.A., Chicago), 1948, esp. pp.12 & 22. (Wirth's views can also be found quoted in a brief discussion by P.E. Corbett, 'Law and Society in the Relations of States', in The Year Book of World Affairs, 1950).

## ('BEFORE LOCKE AND ROUSSEAU')

4. Aristotle, Politics, I, ii.
5. There is a study of Greek city-state theory in relation to the nation-state by Roger J.F. Chance, City-State and Nation-State (London Ph.D. thesis, 1927) but Chance does not try to extend the comparison, declaring that "... a federation of national States under a single political authority... is still beyond the region of actuality or practical politics, and my aim... is to concentrate exclusively on the Nation-State as the community to be compared with the City-State." ---p.224 in the published version, Until Philosophers Are Kings, 1928.

6. Sir W.W. Tarn, Alexander the Great, 1948, Vol II, p.422. He points out that "... a desire that the various races should live together in unity and harmony is a very different thing from abolishing race and treating all mankind as one people, as a cosmopolitan World-State."
7. Cicero, De Republica, III, xxii.
8. C/f a paper on the Stoic world-view and its present implications by Gray L. Dorsey, 'A Porch from which to view World Organisation', Ch. XXXIII in Foundations of World Organisation: A Political and Cultural Appraisal, ed. Lyman Bryson and others (U.S.A., Harper, N.Y.), 1952. Dorsey suggests that the method of Stoic thought, its reliance on concept-by-postulation knowledge rather than concept-by-intuition knowledge, is more important (for a world state) than its content. (Dorsey thinks there are plenty of concept-by-postulation political theories at present but a new one is needed, reconciling the others. So he calls for a world 'porch' where it may be produced).  
C/f also Mason Hammond, City-State and World-State, in Greek and Roman Political Theory until Augustus (U.S.A., Harvard U.P.), 1951, for a discussion (e.g. pp.52 ff., 162 ff.) of the failure of Stoicism to adapt to a world community the important city-state doctrine that citizens should rule and be ruled in turn. Hammond observes that in the period after Cicero something of such an adaptation was achieved, in practice, by Augustus.
9. Augustine, De Civitate Dei, V, xvii.
10. "There is no open mention, in the whole of St. Thomas' work, of the idea of a universal empire." --- A.P. D'Entreves (ed.), Aquinas, Selected Political Writings, 1948, Introduction, p.xxv. Aquinas did consider, however, that "a multitude can be better ruled by one than by several" (ib., p.107: 'Summa Theologica' II 2, Qu.103, Art. 3) and one may suppose that if he had seen the world as a single closely-knit society he might have preferred it to have a single government.

There exists a specific study of Aquinas' views in this connection, which I have not seen: Robert M. Hutchins, St. Thomas and the World State (U.S.A., Marquette U.P., Milwaukee), 1949.

11. Dante, De Monarchia, esp. I, v.
12. Otto Gierke, Political Theories of the Middle Age, trans. Frederic W. Maitland, 1900, p.7.
13. C/f the summary of John of Paris' tract, 'Tractatus de potestate regia et papali' in R.W. & A.J. Carlyle, A History of Mediaeval Political Theory in the West, 1928, Vol. V, Ch.X, esp. p.423.  
John's views on the matter were of course bound up with the fact that the claims for a universal temporal authority which had been advanced (e.g., at least in tendency, by Pope Boniface VIII himself, in the Bull 'Unam Sanctam' of 1302) were claims on behalf of the papacy.
14. John N. Piggis, Studies of Political Thought from Gerson to Grotius, 1415 - 1625, 1907, p.71. The sentence appears to be omitted from the second (1916) edition.
15. John Locke, Second Treatise on Civil Government (first published 1690), section 89.
16. *Ib.*, section 133.
17. *Ib.*, section 3.
18. Jean Jacques Rousseau, Contrat Social ou Principes du Droit Politique, 1762, trans. G.D.M. Cole, 1947, Book II, ch. ix.
19. *Ib.*, III, i.

('A "COLLECTIVIST" THEORY: ROUSSEAU')

20. Contrat Social, II, ix.
21. Ib., do.
22. Ib., II, x.
23. Ib., II, ix.
24. Ib., II, x.
25. Ib., II, ix.
26. Sur l'origine de l'inégalité parmi les hommes, 1755; Dedication, p. 144 in Cole's edition, op. cit.
27. Contrat Social, II, x.
28. Ib., I, vii.
29. Ib., II, i.
30. Ib., IV, i.
31. William McDougall, The Group Mind, edn. 1927, p.53.
32. Contrat Social, I, viii.
33. Ib., IV, 11.
34. Ib., IV, 1.
35. Ib., II, v.
36. B. Mayo, 'Is there a case for the General Will?', in Philosophy, 1950.
37. The correct translation of "toujours droite" (Contrat Social, II, 111) is suggested by F.A. Taylor, 'A Note on Rousseau....', in Mind, Vol. LXIX, 1950, to be something like 'always upright' rather than 'always right' in the sense of infallible. Even if this contention is accepted the general will remains the least fallible will that can be expressed and to this extent, at least, it is the 'ideal' will. (Taylor's inessential supporting arguments seem to rest on



an identification of the general will with a majority vote, a confusion which leads him to suggest that Rousseau cannot have been so unrealistic as to think of the general will as 'always right'. There is a reply, convincing on this score, by D. Verney: 'A Supposed Contradiction in "Le Contrat Social"', in Mind, Vol IX, 1951).

38. Contrat Social, II, iv.
39. Ib., do.
40. Ib., II, i.
41. Ib., II, vi.
42. Sur l'économie politique, 1753; p.242 in Cole's edition, op. cit.
43. From the first version of the Contrat Social: in C.E. Vaughan, The Political Writings of Jean Jacques Rousseau, 1915, Vol. 1, p.492.
44. Contrat Social, II, iv.
45. Ib., do.
46. Ib., IV, viii.
47. Ib., IV, ii.
48. Even Cole tends to do so, as it seems to me, in his introduction to the Contrat Social. One critic who does not is F.M. Watkins, in his recent introduction to Rousseau: Political Writings, 1953, p. xxv. Watkins remarks: "By following his principles it is possible to say that a given government is not, but never that it is, legitimate." C/f also A.D. Lindsay (on Rousseau): "... We get an answer to the question, How can rules have authority over the individual? --- namely, when they are the expression of the general will; but no answer to the question How are we to know what rules have this authority behind them?" --- 'Symposium: Bosanquet's Theory of the General Will', by Prof. A.D. Lindsay and Prof. H.J. Laski, in Mind, Matter and Purpose, Aristotelian

Society, Supplementary Vol. VIII, 1928.

49. Contrat Social, II, vii.
50. Ib., III, xii.
51. Ib., III, xiii.
52. Ib., III, xv.
53. Contrat Social, IV, vi.
54. Political Economy, in Cole's edition p.242.
55. Considérations sur le gouvernement de Pologne (1772, publ. 1782);  
Ch. VII; in Watkins' translation (op. cit., note 48), p.192.
56. Vaughan, introduction to Political Writings (op. cit.), I, 86.
57. Contrat Social, II, i. Rousseau does go on immediately to say that though the will itself may not be transmitted, its power may be; one might read into this an authorisation to representatives to speak (provided they follow their brief closely) with the full weight of the sovereign. But it seems most unlikely that this possibility was in Rousseau's mind. Much more probably he was referring to the lending of power by the sovereign to the executive.
58. Contrat Social, III, i.
59. Ib., do.
60. Ib., III, iii.
61. Ib., III, ix.
62. Ib., do.
63. 'Conclusions de M. le procureur général... sur le Contrat Social et l'Émile de Rousseau', from E. Dreyfus-Brisac (ed.), Du Contrat Social, 1896, appendix XI. Quoted by C. Frankel (ed.), The Social Contract, (U.S.A., Hafner), 1947.
64. Contrat Social, III, xiii.
65. Ib., III, iv.

66. *Ib.*, III, iv.
67. *Ib.*, III, 11.
68. *Ib.*, III, 1.
69. *Ib.*, III, ii.
70. *Ib.*, III, vi.
71. *Ib.*, *do.*
72. *Ib.*, III, v.
73. *Ib.*, III, xiii.
74. *Ib.*, *do.*
75. Written 1756, published 1761. The text is in Vaughan, Political Writings (op. cit.), I, p.364-396. Vaughan also made a free translation: A Lasting Peace through the Federation of Europe, by J.-J. Rousseau, trans. G.E. Vaughan, 1917. In it the word 'confédération' is almost everywhere rendered by Vaughan as 'federation'. The version from which I have quoted is that by Edith M. Nuttall, A Project of Perpetual Peace: Rousseau's Essay, 1927. It has the original text on facing pages.
76. I have quoted from Vaughan's introduction to the Political Writings, I, 96. (Miss Barbara Foxley, in the standard 'Everyman' edition of Emile (edn. 1950, p.430) would have the last clause to mean "... and how far the rights of the federation may be stretched without destroying the right of sovereignty." (My italics.) 'Trenching upon' seems a better rendering of: "sans nuire à celui de la souveraineté.")
77. Nuttall (Project, op. cit.), p.19.
78. *Ib.*, p.41.
79. *Ib.*, p.43.
80. *Ib.*, p.47.

81. Carl J. Friedrich, Inevitable Peace (U.S.A., Harvard U.P.), 1948.  
Friedrich's book centres on Kant, but in passing he discusses in relation to a universal order the political theory of Rousseau. Friedrich points out (1) Rousseau's denial, in the Contrat Social, that the sovereign can be represented, and (2) his refusal, in the passage we have noted in Emile, to let a confederation entrench upon sovereignty. But he does not mention here the Government of Poland, which seems to show us a Rousseau reluctantly prepared to abandon both these points when forced to deal with a large community which he accepts as having a general will.
82. In the Political Economy he specifically refers to one, and equates it with natural law. But this is on the supposition that states retain their sovereignty: "... for in such a case, the great city of the world becomes the body politic, whose general will is always the law of nature, and of which the different States and peoples are individual members." --- p.237 in Cole's edition (op. cit.), 1947.
83. Bernard Bosanquet, The Philosophical Theory of the State, edn. 1951, pp.306, 307.
84. M.G. Rigg, 2nd: Theories of the Obligation of Citizen to State (U.S.A., Pennsylvania Ph.D. thesis), 1921.
85. "... I feel the heart of the citizen die within me. Accordingly I propose nothing. There is no advice I can bring myself to give." (In Vaughan, Political Writings, I 99 and II 291).
86. Watkins, op. cit. (note 48), introduction, p.xi. Watkins virtually reiterates the view of Irving Babbitt (in Rousseau and Romanticism, U.S.A., Houghton Mifflin, 1919) that Rousseau was embittered against society because he had not learned soon enough to conform to its conventions. To the "distress" of Rousseau's friends, says Watkins, he imposed on himself a "positively pathological" degree of isolation.  
  
Charles Frankel, in his own introduction (op. cit., note 63) has arrived at another interpretation. Frankel, who shall have our support, recognises in Rousseau's friends not merely "distress"



but dimness of imagination, an incomprehension of a man who worked best alone. "It was perhaps this failure of sympathetic imagination in the philosophes, and what seemed to Rousseau their complementary lack of personal independence, that first made him distrust them."

87. For an all-out condemnation of Rousseau as a man of delusions see Paul Nourrisson: Jean-Jacques Rousseau et Robinson Crusoe (Paris), 1931. Nourrisson, seriously believing that Rousseau was greatly and mistakenly influenced by Defoe's *Crusoe* (which appeared in 1719 and is indeed praised in Book II of Emile) concludes (p.75) that the Contrat Social "nous trouvons une théorie abstraite sortie de l'imagination d'un solitaire et construite en dehors de toute réalité."

Whatever we deduce from Rousseau's famous quarrel with Hume, the two-volume work by Frederika Macdonald (afterwards Richardson), Jean Jacques Rousseau: a New Criticism, 1906, provides enough evidence, e.g. of the deliberate falsification of Mme. d'Epinay's memoirs at the instigation of Grimm and Diderot, to show that conspiracies against Rousseau existed not merely in his own mind.

Vaughan has summed up acceptably (Political Writings, II, Appendix II, p.543): "Is it surprising that persecution and slander should at least have driven their victim into a state of unreasoning suspicion? One thing, however, is clear. It is that these delusions were confined within very narrow limits, and that beyond these limits, the intellect of the man was as clear, his mastery over all the resources of his genius as absolute, as it had ever been before."

88. F.C. Green, Jean-Jacques Rousseau, 1955, p.362.
89. Si le rétablissement des sciences et des arts a contribué à épurer les mœurs, 1750; p.122 in Cole's edition, op. cit.
90. Alexis de Tocqueville, Democracy in America, Part I, 1835; p.195 in H.S. Commager's edition, 1953. (The chapter on the power of the majority).
91. John Stuart Mill, On Liberty, 1859, ch.III; p.119 in 'Everyman' edition by A.D. Lindsay, 1944.

92. On the sciences and arts, p.122 in Cole's edition, op. cit.
93. On the origin of inequality, Part II; p.221 in Cole's edition, op. cit.
94. Lettre à d'Alembert sur les spectacles, para 108. (My translation here).
95. On the origin of inequality, Part I; p.180 in Cole's edition, op. cit.
96. Dialogues de Rousseau juge de Jean-Jacques, 1775-1776. The translation is Ernst Cassirer's, in his The Question of Jean-Jacques Rousseau (U.S.A., Columbia U.P.), 1954, p.51.
97. Vaughan, Political Writings, I, p.1.
98. Ib., I, 112-113.
99. Léon Duguit, 'The Law and the State', in Havard Law Review Vol. XXXI No.1, Nov. 1917. (Also published in France under the title Jean-Jacques Rousseau, Kant & Hegel, 1918).
100. Peter Gay, introduction to Cassirer, op. cit.
101. Robert Derathé, Jean-Jacques Rousseau et la science politique de son temps (Paris), 1950, trans. from p.356.
102. Vaughan, Political Writings, I, p.16.
103. J.W. Gough, The Social Contract, 1936, p.156.
104. Alfred Cobban, Rousseau and the Modern State, 1934, e.g. p.115, Cobban's later views are expressed in his review of Derathé's books: Alfred Cobban, 'New Light on the Political Thought of Rousseau', in Political Science Quarterly, Vol. 66 no. 2, 1951.
105. Cobban, 1951 article, op. cit., p.273.
106. Contrat Social, first version, II, iv: in Vaughan, Political Writings, I, p.494. See also Vaughan's footnote, same page. (In his introduction, p.52, Vaughan mentions this remark of Rousseau's but, despite quotation marks, somewhat remodels it).
107. Franz Baymann, 'La loi naturelle dans la philosophie politique de J.-J. Rousseau', in Annales de la Société Jean-Jacques Rousseau (Geneva), Vol.30, 1943-1945.

108. Gobban, 1934, op. cit., p. 147.
109. Gobban, 1951, op. cit., p.282.
110. Charles W. Hendel, Jean-Jacques Rousseau: Moralism, 1934, Vol.II, p.323.
111. Letter to Usteri, July 18th 1763, trans. in Charles W. Hendel, Citizen of Geneva: 'Selections from the letters of Jean-Jacques Rousseau', 1937. (Also in Vaughan, Political Writings, II, pp.166,167).
112. Contrat Social, II, vi.
113. Duguit, op. cit.

('AN "INDIVIDUALIST" THEORY: LOCKE')

114. Willmoore Kendall, John Locke and the Doctrine of Majority Rule (Illinois Studies in the Social Sciences, Vol. XXVI no.2) (U.S.A., Univ. of Illinois), 1941.
115. Second Treatise on Civil Government, section 6.
116. Essay concerning Human Understanding, I, iii, 13.
117. Essays on the Law of Nature, ed. W. von Leyden, essay IV.
118. Second Treatise, section 12.
119. Ib., section 97.
120. Lettres de la Montagne (Paris, 1823 edn., p.348): quoted by Kendall, op. cit.
121. Second Treatise, section 230.
122. Ib., section 241.
123. Ib., section 233.
124. Ib., section 242.
125. Philip Hunton, A Treatise of Monarchy, 1643. (The passage is quoted by C.H. McIlwain, 'A Forgotten Worthy, Philip Hunton, and the

Sovereignty of King in Parliament' in Polition, February 1935, reprinted in Constitutionalism and the Changing World, 1939).

Hunton's place as a forerunner of Locke has been rather neglected by comparison with, say, Hooker's. Locke does refer to Hunton (First Treatise, ch. II, in connection with Filmer who attacked Hunton's work) and the likelihood that he was influenced by him is now strengthened by Laslett's convincing evidence that most of the Second Treatise was written not around 1689 but before 1683. (Peter Laslett, 'The English Revolution and Locke's "Two Treatises of Government"', in Cambridge Historical Journal, Vol. XII No. 1, 1956). A reprint of Hunton's Treatise had come out in 1680, the year of Filmer's Patriarcha on which was centered Locke's First Treatise.

It is worth mentioning that the Treatise, 1643, and its Vindication, 1644, are Hunton's only known works. It is customary to say (as does the Dictionary of National Biography and more recently John Bowle, Hobbes and his Critics, 1951, p.101, footnote) that he wrote another work called Jus Regum, now apparently lost. Jus Regum (1645) is however not lost; it was written not by "P.H." but by "H.P." --- i.e. Henry Parker, whose Jus Populi was published in the preceding year.

126. Second Treatise, section 208.

127. Sterling P. Lamprecht, The Moral and Political Philosophy of John Locke (U.S.A., N.Y., Columbia Ph.D. thesis), 1918, pp.156,157.

128. C.E. Vaughan, Studies in the History of Political Philosophy, 1925,

Vol. I. Vaughan judges that according to Locke "in moral matters at any rate, the individual is entitled to dictate his own will to the State: to refuse his assent --- and we can only conclude, his obedience also --- to any law or executive act that does not square with the divinely ordained code which each man finds written in his heart and which he alone has the right to 'interpret'." (pp.171, 172.) Can such a right to disobey (and suffer in consequence) very well be called a right to "dictate"?



129. Second Treatise, section 235.
130. Sir Robert Filmer, Patriarcha, 1680. (p.252 in T.I. Cook's edition of John Locke: Two Treatises of Government (U.S.A., Hafner), 1947).
131. Lamprecht, op. cit., p.197.
132. Filmer, Patriarcha (in Cook's edition, op. cit., p.267).
133. First Treatise, ch. X (in Cook's edition, op. cit., p.77).
134. Second Treatise, section 149.
135. C/f the comments of Professor Cook, a world-government sympathiser, who in prefacing his edition of Locke (op. cit.) pioneeringly expresses 'astonishment' at Locke's approach to the conduct of international affairs.
136. Second Treatise, section 145.

('SINCE LOCKE AND ROUSSEAU')

137. Otto Gierke, Natural Law and the Theory of Society, 1934, Vol.I, p.198, and notes in Vol. II, pp.394, 395.
138. Christian Wolff, Jus Gentium Methodo Scientifica Pertractatum (reproduced from the 1764 edn. with trans. by Joseph H. Drake, 1934, Vol. II), Prolegomena, section 9.
139. Ib., do., section 10.
140. Ib., do., section 20.
141. Ib., do., section 15.
142. Ib., do., section 21.
143. Immanuel Kant, 'The Natural Principle of the Political Order' (1784), 7th proposition; in trans. by W. Hastie, Kant's Principles of Politics, 1891, p.16.
144. Ib., 4th proposition, do., pp.9, 10.
145. Ib., 6th proposition, do., pp.14, 15.

146. 'The Principle of Progress'; in Hastie, pp. 71, 72.
147. 'Perpetual Peace' (1795), Definitive Article 2; in Hastie, p. 94.
148. In the same essay; Hastie, pp. 99, 100.
149. Kant appears to have thought Fichte something of an impostor.  
Schopenhauer distinguished Fichte's "windbagery" from Hegel's "charlatanry". There is an emphatic modern exposition on these lines in K.R. Popper, The Open Society and its Enemies, 1945, Vol. II, p. 52, and note 58 to ch. 12, p. 298. Popper is annoyed that such "clowns" as Fichte and Hegel are taken seriously. We assume here that Fichte was by no means the fraudulent time-server that he can apparently be painted. (In some of his lectures he does seem long-winded, but if this makes a "windbag" the distinction between "windbagery" and charlatanry is a fundamental one).
150. Quoted by H.C. Engelbrecht, Johann Gottlieb Fichte: 'A study of his political writings with special reference to his Nationalism', (U.S.A., N.Y., Columbia Ph.D. thesis), 1933, p. 97.
151. *Ib.*, p. 99.
152. J.G. Fichte, Addresses to the German Nation, trans. R.F. Jones and G.H. Turnbull (Chicago), 1922, section 204, p. 232.
153. This belief that a national literature ceases to live when the nation is no longer politically independent is not an incidental one for Fichte, since (apparently following Schlegel) he sees language as the basis of national character. C/f Addresses, *op. cit.*, section 190.
154. Giuseppe Mazzini, trans. in Joseph Mazzini: his Life, Writings, and Political Principles, with intro. by W.L. Garrison (U.S.A., N.Y.), 1872, pp. 265, 266. (Ch. VI, 'Records of the Brothers Bandiera', 1842-1844).
155. *Ib.*, quoted in Garrison's introduction, p. xxii.
156. Written in 1849. Quoted by Hans Kohn, Prophets and Peoples (U.S.A., N.Y.), 1946, p. 93.
157. 'International Policy', 1871: trans. in the Fortnightly Review, April 1877.

158. G.W.F. Hegel, Philosophy of Right, trans. T.M. Knox, 1942; in para.331.
159. E.g., in the 'remark' to para.333.
160. Op. cit., in para. 322.
161. Ib., in the addition to para. 324.
162. Ib., in the 'remark' to para. 324.
163. T.M. Knox, in a discussion on 'Hegel and Prussianism' with E.F. Carr, the closing articles, in Philosophy, Vol. XV, July 1940.
164. Op. cit., in the addition to para. 324.
165. Leonard T. Hobhouse, The Metaphysical Theory of the State, 1918, p.112.
166. T.H. Green, 'Lectures on the Principles of Political Obligation', in Works of Thomas Hill Green, ed. R.L. Nettleship, Vol. II, 1886, in para. 163, p.473.
167. Ib., in para. 169, p.479.
168. Ib., in para. 170, p.480.
169. Ib., in para. 175, p.485.
170. Hobhouse, op. cit., p.106.
171. "I am interested in Hobhouse's characterisation of me, or is it the reviewer's? It doesn't matter. I don't think I shall read his book --- I don't feel I learn much from him, and books are expensive since the war began, and time is not cheap." --- Bosanquet in a letter to Plater (Rector of Yeovil), Jan. 26th 1919. In J.H. Muirhead, Bernard Bosanquet and his Friends, 1935, p.203.
172. B. Bosanquet, 'Patriotism in the Perfect State', in The International Crisis in its Ethical and Psychological Aspects (lectures by various speakers), 1915, p.145.
173. Helen Bosanquet, Bernard Bosanquet: A Short Account of his life, 1924, p.136.
174. In his Social and International Ideals, 1917.

175. G/f note 83.
176. Ideals (op. cit.), p.271.
177. Ib., p.294.
178. Ib., p.297.
179. Ib., p.295.
180. Ib., p.298.
181. Heinrich von Treitschke, Politics, trans. Blanche Dugdale and Torben de Bille, 1916, Vol I, p.69.
182. Ib., p.70.
183. Ib., pp.22, 23.
184. Ib., p.19.
185. Ib., do.
186. Ib., p.28.
187. Karl Marx and Friedrich Engels, 'Manifesto of the Communist Party' (1848), the 1888 trans., in Emile Burns (ed.), A Handbook of Marxism, 1935, pp.43,44.
188. As appears to do Solomon F. Bloom, in The World of Nations, 'A study of the national implications in the work of Karl Marx' (U.S.A., Columbia U.P., N.Y.), 1941.
189. Jeremy Bentham, 'Principles of Morals and Legislation', in W. Harrison (ed.), A Fragment on Government, etc., 1948, Ch. XVII, para. 25, p.426.
190. Bentham, Essay I in 'Principles of International Law', in John Bowring (ed.), The Works of Jeremy Bentham, Vol. II, 1843. This was the first publication of the 'Principles', the MSS. of which were dated 1786 to 1789. The essay on war is No. III and that on perpetual peace is No. IV. (The latter appeared in the 'Peace Classics' series, 1939).



191. In a letter, written just after the appearance of the first two volumes of Democracy in America. Quoted by George W. Pierson, Tocqueville and Beaumont in America, 1938, p.750.
192. Alexis de Tocqueville, Democracy in America (1835 and 1840), the translation by Henry Reeve abridged by H.S. Commager (O.U.P.), 1953, p.105.
193. *Ib.*, p.102.
194. *Ib.*, p.104.
195. *Ib.*, p.285.
196. John Stuart Mill, Representative Government, 1861, ch. XVI. (In the Dent edition, 1944, p.364).
197. Letter to Mrs. Halsted, in The Letters of John Stuart Mill, ed. with intro. by Hugh S.R. Elliot, 1910, Vol. II, p.293.
198. Representative Government, ch. XVI. (p.361).
199. *Ib.*, ch. XVII. (p.371).
200. *Ib.*, *do.* (p.373).
201. J.E.E. Dalberg-Acton, Lord Acton: 'Nationality' (1862), in The History of Freedom and other essays, 1907, p.289.
202. *Ib.*, p.290.
203. *Ib.*, p.298.

('THE REVISION OF TERMINOLOGY')

204. As is pointed out by, e.g., Harold D. Lasawell and Abraham Kaplan, Power and Society, 1952, p.75: "The concept of power is perhaps the most fundamental in the whole of political science: the political process is the shaping, distribution, and exercise of power (in a wider sense, of all the deference values, or of influence in general)."

Or by W.A. Robson, Political Science (UNESCO), 1954, p.18: "The focus of interest of the political scientist is clear and unambiguous, it centres on the struggle to gain or retain power, to exercise power or influence over others, or to resist that exercise."

205. In Natural Law: a Christian Reconsideration, ed. by A.R. Vidler and W.A. Whitehouse, 1946, p.31.

206. Thomas D. Weldon, States and Morals, 1946, p.203.

207. It might be asked whether there is a difference between this definition of power and such a one as C.E. Merriam's, in Political Power, 1934, p.20, (quoted by Lasswell and Kaplan, op. cit., p.76) which declares that "... power entails only effective control over policy; the means by which the control is made effective are many and varied." Merriam previously makes the point that power need not involve violence, and with this we have agreed. But in so far as the term is useful in political theory, it must imply a possibility of some sort of constraint. A power of 'control over policy' that springs entirely from the free consent of all who are affected by the policy is not power at all in the present sense. If a man can build a pyramid because a thousand volunteers are longing to help him to do so, he has the power to build a pyramid --- but this, so long as it affects nobody else, has nothing to do with politics. So long as there is no clash of wills the question of political power does not arise.

208. W.J. Rees, 'The Theory of Sovereignty Restated', in Mind, Vol. LIX, 1950, would allow the existence of a sort of authority that he calls 'coercive', "where a rule obliges a person to act in virtue of its being enforced, usually with a penalty attached, in the event of disobedience." But Rees seems to assume that his coercive authority will be associated with some sort of right; otherwise he would be saying that power, by itself, may be termed a sort of authority. (Such a use of the word authority would certainly not be original; q/f as an illustration Charles I at his trial, quoted in The Armies Modest Intelligencer, week ending 26th January 1649: "Now I would

know by what Authority, I means, lawfull; there are many unlawfull Authorities in the world, Theeves and Robbers by the high ways..."

209. Rees, op. cit.

210. Stanley I. Benn, 'The Uses of "Sovereignty"', in Political Studies, Vol. III No: 2, June 1955.

211. Harold J. Laski, A Grammar of Politics, 1925, p.44: "It would be of lasting benefit to political science if the whole concept of sovereignty were surrendered. That in fact with which we are dealing is power..."

212. Jacques Maritain, Man and the State, 1954, p.26: "It is my contention that political philosophy must get rid of the word, as well as the concept, of Sovereignty..."

213. James (Viscount) Bryce, Studies in History and Jurisprudence, 1901, Vol. II, Essay X: 'The Nature of Sovereignty'.

214. David G. Ritchie, 'On the Conception of Sovereignty', in Darwin and Hegel, etc., 1893.

215. Do., p.258.

216. Bryce, op. cit., Essay X, 10.

217. R.W. and A.J. Carlyle, Mediaeval Political Theory in the West, Vol. VI, p.419.

218. Bertrand de Jouvenel, Power, edn. 1952, Book I.

219. This is a traditional view. In mediaeval legal doctrine, "Anyone could justly claim to be sovereign if, in any particular matter, there was no appeal from his to any higher authority." (Georg Schwarzenberger, 'Sovereignty: Ideology and Reality', in The Year Book of World Affairs, 1950.)

220. Cicero, De Republica, III, 22.

221. 'Morality and Legal Justice', in A Solovoyev Anthology, ed. by S.L. Frank, trans. Riddington, 1950, pp.201, 202.

222. Jeremy Bentham, A Fragment on Government (first pubd. 1776), Ch. IV,

para. 19.

223. Encyclical 'Mit Brennender Sorge', 14th March 1937: quoted in N. Micklem, The Theology of Politics, pp. 30, 31 (and partly in de Jouvenel, op. cit.).

224. Jacques Maritain, The Rights of Man and Natural Law, 1954, p. 35.

225. A.P. d'Entreves, Natural Law, 1951, p. 60.

226. D.G. Ritchie, Natural Rights, 1895, p. 80.

227. Unless Ritchie changed his views between 1893 and 1895, his concept of rights --- or his expression of it --- seems muddled. In the passages mentioned he says that natural and moral rights cannot be identical, because people have often claimed that natural rights are ascertainable without reference to society's opinion. But does he admit such a claim? He seems not to do so. Since he involves public opinion in the determination of moral rights, one would expect him to involve it in that of natural rights also; and in his essay 'The Rights of Minorities' (in Darwin and Hegel, etc., 1893, p. 282) he in fact says "Rights are the creation of society... When we speak of 'natural rights', we really mean those rights which we think to be the very least that a well-organised society should secure to its members." It rather looks as though Ritchie, also, broadly identified moral and natural rights, but --- the opposite of our own view on them --- regarded all such rights as existing only by society's sanction. On his view there can be a duty of resistance to society, but not a right.

228. Ritchie, op. cit. (Natural Rights), do.

229. Ewart Lewis, Medieval Political Ideas, 1954, Vol. I, p. 249.

('THE UNLIMITED COMMUNITY')

230. G.A. Borgese, Foundations of the World Republic (U.S.A., Chicago U.P.), 1953, p. 18.



As bibliographies on world government are not as yet frequently found, a few notes on other books may not be out of place here. One of the more comprehensive studies is Frederick L. Schuman, The Commonwealth of Man (U.S.A., Knopf, N.Y.), 1952. The extent to which fear can create a feeling of unity is questioned by Reinhold Niebuhr in 'The Myth of World Government', a paper reprinted in Hans J. Morgenthau and Kenneth W. Thompson, eds., Principles and Problems of International Politics: selected readings (U.S.A., Knopf), 1950. In the same work R.M. Hutchins puts a different view, advocating world government as a way to promote the world 'community' that some writers believe must come first. Crane Brinton, From Many One, (U.S.A., Harvard U.P.), 1948, is a partly historical survey of the unification of nations. Thomas I. Cook, 'Theoretical Foundations of World Government', in The Review of Politics (U.S.A.), Vol. 12 No: 1, January 1950, argues that a world state would foster the liberty of the citizen. L.P. Jacks, in a pamphlet called The Idea of a World Community, 1950, goes further: when not comparing the idea of such a community with the idea of a university, Dr Jacks compares it to the New Jerusalem, the City of God. But he does in a way justify this by pronouncing that men must shed the qualities of bad citizens before a world community can be possible. Lionel Curtis, The Open Road to Freedom, 1950; Emery Reves, The Anatomy of Peace; Gerard J. Mangone, The Idea and Practice of World Government (U.S.A., Columbia U.P.), 1951; and The Atomic Age, by M.L. Oliphant and others, 1949, are other relevant general works. More specialised studies include the Chicago Preliminary Draft of a World Constitution, ed. Borgese and others (U.S.A., Chicago U.P.), 1948; L.J. Cohen, Principles of World Citizenship; Josef Pieper, The End of Time, 1954 (outlining the traditional doctrine of the reign of an Antichrist); The World Community, ed. Quincy Wright (U.S.A., Chicago U.P.), 1948; E.M. Earle, 'H.G. Wells, British Patriot in Search of a World State', in Nationalism and Internationalism ... ed. E.M. Earle (U.S.A., Columbia U.P.) 1950; and two books surveying past projects for world peace: Sir John A.R. Marriott, Commonwealth or Anarchy?,

1939, and Sylvester J. Hemleben, Plans for World Peace through Six Centuries (U.S.A., Chicago U.P.), 1943. (Most of the plans discussed in these two books are based on the retention of sovereignty by individual states). See also the short work by Edward Shanks, The Universal War and the Universal State, 1946.

The basic work on federal union is Clarence K. Streit, Union Now, 1939. W.B. Curry treated the same subject more briefly in The Case for Federal Union, 1939.

Many modern publications on federalism are distributed by Federal Union, Ltd. (20 Buckingham Street, W.C.2), founded in 1938. (This body, the strongest organisation in Britain working for world government, is associated with the World Movement for World Federal Government; on a parliamentary level it has ties with the British Parliamentary Association for World Government, which belongs to the World Association of Parliamentarians for World Government.)

Annual bibliographies on these themes are to be found in the Peace Year Book published by the National Peace Council.

Especially from the viewpoint of political philosophy, perhaps the best book yet published on the subject of world union is one which is seldom referred to: Sri Aurobindo, The Ideal of Human Unity (Sri Aurobindo Ashram, Pondicherry), first published 1919, second (revised) edition 1950.

231. Dante, De Monarchia, Book I, viii. (From the translation by Donald Nicholl, 1954).

232. Gabriel Marcel, Men Against Humanity, 1952, pp.203, 204.

233. In The Atomic Age, 1949, p.126.

234. Do., p.98.